

Monday, July 31, 2023
6:00 p.m.

Brooklyn Park City Hall – Room A203
5200 85th Avenue North

SPECIAL CITY COUNCIL WORK SESSION – AGENDA #29

If you need these materials in an alternative format or need reasonable accommodations for a City Council meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at josie.shardlow@brooklynpark.org.
Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.

Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

- A. CALL TO ORDER – Mayor Hollies Winston**
- B. GENERAL INFORMATION**
None.
- C. DISCUSSION ITEMS/GENERAL ACTION ITEMS – These items will be discussion items but the City Council may act upon them during the course of the meeting.**
 - C.1** 2024 Events Discussion
 - C.2** “Big Ticket” Future Projects
 - C.3** Potential Charter Change on Filling Council Vacancies
 - A.** OTHER CHARTER CITIES AND COUNCIL VACANCY PROCESS
 - B.** MINNESOTA STATUTE SECTION 412.02-COUNCIL VACANCY FOR STATUTORY CITIES
- D. VERBAL REPORTS AND ANNOUNCEMENTS**
 - D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
 - D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS**
- E. ADJOURNMENT**

City of Brooklyn Park Council Work Session

Meeting Date:	July 31, 2023	Originating Department:	Recreation & Parks
Agenda Item:	C.1	Prepared By:	Brad Tullberg, Recreation & Parks Director
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Brad Tullberg, Recreation & Parks Director
Item:	2024 Events Discussion		

Summary:

Over the past four years, the events offered by the City of Brooklyn Park have changed frequently to meet the changing needs of the community.

In October 2019, Recreation & Parks staff presented to Council the results of participant event surveys, along with event trends in nearby cities related to community-wide celebrations. As part of this discussion, staff shared they have seen an increase in participation at one-day, smaller scale community events like concerts, movies in the park and Brooklyn Park Night Out, and were receiving requests to increase the number of these type of family-oriented events. Events continued to build upon this direction until the pandemic.

Following the pandemic, a number of events were modified or needed to be recreated from scratch after one or two years without being held. Tater Daze had also experienced security challenges multiple times in recent years. Given the number of changes needed to the previous events portfolio, staff engaged a Community Events Task Force to help inform the 2022 events calendar. The Task Force developed the following parameters they would like to see implemented in events:

- Increase opportunities to gather and create shared sense of community
- Use performances & food to authentically celebrate different cultures of Brooklyn Park at events
- Collaborate with community groups in city-wide events

The vision is to celebrate Brooklyn Park by providing events and opportunities for residents to come together and celebrate our community. That led to the creation of the 2022 Celebrate Brooklyn Park events series which slightly modified and continued into 2023.

As staff begin planning for the 2024, they are seeking input from City Council on possible changes for event offerings and discussion about the resources needed to provide an expanded events portfolio.

Primary Issues/Alternatives to Consider:

A related topic that will be raised is the City Attorney's recommendation for the Council to consider amending the City Charter to include a statement allowing the use of City funds for certain events. There is currently a general statement about such spending, but the City Attorney believes there could be benefit to adding a statement with more specificity.

City of Brooklyn Park Council Work Session

Meeting Date:	July 31, 2023	Originating Department:	Administration
Agenda Item:	C.2	Prepared By:	Jay Stroebel, City Manager
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel and other Department Directors
Item:	"Big Ticket" Future Projects		

Summary:

As we look forward over the next ten years, there are many expected large-scale projects on the horizon. These include, the Blue Line Light Rail extension, Highway 252, water quality improvements, expansion of water infrastructure to northwest part of the city, Community Activity Center improvements, Teen Center expansion, remodeling and/or rebuilding of fire stations, etc. This item is meant to be an initial discussion with the City Council to provide a background on these "big ticket" projects, the potential cost implications, initial funding strategy options, and conversation on what decisions are needed in the near-term. Given this information, we will also briefly discuss whether or not we want to include any questions in the upcoming residential survey to inform the decision-making around these investments.

City of Brooklyn Park Council Work Session

Meeting Date:	July 31, 2023	Originating Department:	Administration
Agenda Item:	C.3	Prepared By:	Devin Montero, City Clerk
Agenda Section:	DISCUSSION ITEMS/GENERAL ACTION ITEMS	Presented By:	Jay Stroebel, City Manager
Item:	Potential Charter Change on Filling Council Vacancies		

Summary:

Mayor Winston, Council Members Eriksen and Klonowski requested adding a discussion on amending the city charter related to vacation of council seats.

Attachments:

- A. OTHER CHARTER CITIES AND COUNCIL VACANCY PROCESS
- B. MINNESOTA STATUTE SECTION 412.02-COUNCIL VACANCY FOR STATUTORY CITIES

OTHER CHARTER CITIES AND COUNCIL VACANCY PROCESS

Brooklyn Park – Population 86,106

SECTION 2.06 COUNCIL VACANCIES (Amended by Ordinance #1972-124A Effect. 12/20/72; #1998-883 Effect. 9/3/98; #2003-995 Effect. 7/3/03; #2009-1098 Effect. 7/30/09; #2014-1167 Effect. 07/2/14); #2017-1213 Effect. 08/04/17.

A vacancy in the City Council or office of Mayor shall be declared when any of the following occur:

1. The failure of any person elected to qualify on or before the date of the second regular meeting of the new Council.
2. Death.
3. Resignation.
4. Failure to perform any of the duties of Council Member for a continuous period of ninety (90) days.
5. Conviction of a felony.
6. A judgment of incompetence by a court of competent jurisdiction.
7. Member removed by recall.
8. Council Member is elected Mayor or Mayor is elected to a Council seat.
9. Member no longer resides in the City of Brooklyn Park or, in the case of a Council Member, the district the member represents. If the process of redistricting changes a Council Member's district, that Council Member shall continue to represent the district until the member's term expires.
10. Council Member forfeits office in accordance with Section 14.04 (B) or any reason specified by law.

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means.

The Council shall adopt an application and appointment procedure, make the procedure available to the public, and periodically review the procedure. This procedure must be codified in the code of ordinances.

If less than 365 days remain in the term, the Council may appoint an eligible person to fill the office for the balance of the unexpired term using the procedure. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 45 days after the declaration, or if the Council votes three times on

the appointment and fails to fill the vacancy, the Mayor must, within 60 days after declaration appoint an eligible person to fill the vacancy;

If 365 days or more remain in the term, the Council must within 45 days of the declaration date order a special municipal election to fill the vacancy for the balance of the unexpired term. The Council shall set times for candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. If a special primary election is required by Section 4.03 of this Charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Minneapolis – Population 434,346

§ 3.3. - Special elections.

(a)Elected office. When a vacancy occurs in an elected office before the term expires, and this charter does not provide another method of filling the vacancy, a special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy. For each special election, the City Council must provide by ordinance for a filing period of at least eight days.

(b)Other special elections. The City Council must schedule a special election as required by law on any question that the voters may lawfully decide, and may schedule any other lawful special election, in accordance with Minnesota election law. This section 3.3(b) is subject to section 9.4(e). (Ord. No. 2020-058 , § 1, 11-3-20, eff. 12-3-20)

St. Paul – Population 312,040

- **Sec. 2.05. - Filling vacancies.**

A) *Interim appointee.* The council may within thirty (30) days of a council vacancy elect a qualified voter of the ward to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the council vacancy occurs on or after July 1 of the third year of the term. If a tie vote occurs in the filling of a vacancy in the office of [councilmember], the mayor shall break the tie.

In the event that the council does not fill the council vacancy within thirty (30) days, the mayor shall within ten (10) days thereafter appoint a qualified voter of the ward to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the vacancy occurs on or after July 1 of the third year of the term.

If a vacancy occurs in the office of mayor, the council shall within thirty (30) days elect a qualified voter of the city to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the vacancy occurs on or after July 1 of the third year of the mayoral term.

(B) *Elected successor.* If a vacancy in an office occurs before July 1 of the third year of the term, the vacancy shall be filled at the next general election being the first Tuesday after the first Monday in November, unless the next general election occurs more than one hundred eighty (180) days after the vacancy is created, in which case, the council shall call a special election for the purpose of filling the vacancy. The successful candidate's term shall commence upon the council's canvass of the election results and upon expiration of the time to contest the election or, if notice of contest is filed, upon final disposition of the contest.

Affidavits of candidacy for said vacancy shall be filed with the city clerk in accordance with the provisions of Charter Section 7.04. (Ord. No. 11-13, § 2, 3-2-11; Ord 13-46, § 2, 9-11-13)

Note— Amended, see Note 2 following this chapter; further amended by Ord. No. 17340, C.F. 86-321, adopted by the city council April 10, 1986, pursuant to Minnesota Statutes, Section 410.12.

Bloomington – Population 90,974

§ 2.05 VACANCIES IN THE COUNCIL.

A vacancy in the council exists for any of the following reasons:

- (a) The failure of a person elected to qualify for office by the date of the second regular meeting of the council in the term for which the person was elected;
- (b) Death;
- (c) Resignation;
- (d) Recall election wherein a majority of voters voted in favor of recalling the official;
- (e) Loss of residency;
- (f) Continuous absence from the city for more than three months;
- (g) Conviction of a felony of a councilmember, whether before or after qualification for office;
- (h) Failure of a councilmember without good cause to perform the duties of the office for a period of three months.

In any of these cases, except a recall election, the council must declare by resolution that a vacancy exists. The council must adopt the resolution declaring the vacancy at the next regularly scheduled council meeting. Within forty-five days after the adoption of the resolution, the council must appoint an eligible person to fill the vacant office until the next regular state or municipal election when the office will be filled for the unexpired term. If the council fails to make the appointment within forty-five days, or, if before the end of the forty-five days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen days, appoint an eligible person to fill the vacancy until the next scheduled state or municipal general election when the office will be filled for the unexpired term. When the council or mayor makes the appointment less than 28 days before the opening date of filing for the next regularly scheduled state or municipal general election, a special election to elect an eligible person for the remainder of the unexpired term of office shall be held at the next state or municipal general election. No special election will be held for an unexpired term of two months or less.

(Section 2.05 amended by Ord. 88-51, passed 7-25-1988; Ord. 96-16, passed 5-20-1996; Ord. 2001-47, passed 11-19-2001; Ord. 2004-8, passed 4-5-2004; Ord. 2021-40, passed 11-29-2021)

Duluth – Population 85,667

Sec. 4. Vacancies in office of mayor and councilor; acting mayor

The office of mayor or councilor shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from the city or the district except as in Section 2 provided, conviction of a felony, violation of any of the duties of office, which, by provisions of this Charter, render the office vacant, or continuous absence from the city for more than thirty days, but if additional time is needed, leave may be granted by the council for a longer absence. If any such vacancy occurs (other than by recall or resignation after recall petition is filed) the council shall without delay appoint an eligible person to fill the same until the first Monday in January after the next municipal election, when the office shall be filled by election for the unexpired term. If the council vote to appoint an eligible person to fill a vacancy results in a deadlock, an eligible person will be chosen by coin toss. In the case of an absence of shorter duration than renders the office of mayor vacant, or in the event of disability of the mayor, the mayor's duties shall be filled by an acting mayor who shall be appointed by the mayor from the councilors-at-large after each general municipal election. Should the mayor become disabled or be absent for more than ten (10) days without having appointed an acting mayor, the district councilors, by majority vote, shall appoint one of the councilors-at-large as acting mayor. The mayor shall not be considered disabled within the meaning of this Charter unless such disability shall be determined by the council at a hearing held upon notice to the mayor for the purpose of making such determination. The appointment of a councilor as acting mayor shall not be deemed to create a vacancy in the office of councilor-at-large, but while serving as acting mayor such councilor shall not perform city council duties. The compensation of the acting mayor during the absence or disability of the mayor shall be set by the city council in an amount commensurate with the duties required of the acting mayor from time to time. (As amended by elections, March 20, 1956, and September 8, 1964; Ord. No. 8639, 7-26-1982, § 4; Ord. No. 10398, 8-10-2015, § 1; Ord. No. 10399, 8-010-2015, § 1.)

Plymouth – Population 81,184

- **Section 2.07. - Council Vacancies.**

A vacancy in an elective office exists for the reasons specified by law. (Amendment #15; 4/26/2016)

When a vacancy occurs for a reason specified, the council shall, at its next regular meeting, by a resolution stating its findings, declare the vacancy to exist. When a vacancy exists, the council must forthwith appoint an eligible person to fill the vacancy until the next regular municipal election when the office is filled for the unexpired term. If the Council does not appoint an eligible person within 60 days after the vacancy is declared, the Mayor shall appoint an eligible person to fill the vacancy on or before the next regular council meeting. If a vacancy occurs and exists in an elective office after the last day for filing affidavits of

candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term.

Blaine – Population 70,979

- **Sec. 2.05. - Vacancies in the council.**

A vacancy in the council shall exist in case of:

(1) The failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council; or

(2) The death, resignation, removal from office, removal from the city, continuous absence of any councilmember from the city for more than three (3) months; or

(3) The failure of any councilmember without good cause to perform any of the duties of membership in the council for a period of two (2) months; or

(4) The conviction of any such person of a crime for which a sentence of imprisonment for more than one year may be imposed, whether before or after such person's qualification.

If a vacancy on the council is for a period of more than twelve (12) months, the council shall by resolution declare the vacancy to exist and shall by resolution call for a special election as provided in this section.

If a vacancy on the council is for a period of less than twelve (12) months, the council shall by resolution declare that the vacancy exists. Within the next forty-five (45) days, the council shall by resolution appoint an eligible person to the existing vacancy. The appointee shall serve until January 1 following the next regular municipal election, or until his/her successor is elected and qualified. At the next regular municipal election, the office will be filled for the unexpired term.

The council may by resolution waive its right to appoint to fill a vacancy and may call a special election to be held as soon as legally permissible. If a vacancy on the council is not filled by appointment within the forty-five (45) days following the declaration of the vacancy, the council shall call a special election as provided in this section. (Ord. No. 251, 1-21-1971; Ord. No. 89-1126, 5-4-1989; Ord. No. 98-1708, 5-21-1998)

Coon Rapids – Population 64,128

1-205 - Vacancies in the Council.

(1)A vacancy in the membership of the Council shall be deemed to exist if a person elected thereto:(a)Fails to qualify on or before the date of the second regular meeting of the new Council.(b)Dies before completing the term of office to which elected.(c)Resigns from the office.(d)Is removed from the office by a court of competent jurisdiction.(e)Removes from the City or removes from the Ward to which elected.(f)Attends no regular, special or emergency meetings of the City Council during any period of seventy (70) consecutive calendar days.(g)Is convicted of a felony, whether before or after qualifying. [Revised 1/3/95, Ordinance 1517]

(2) In each such case, the Council shall, by resolution, declare such vacancy to exist and the Council shall, by resolution, within 30 days thereafter, either: (a) Appoint an eligible person to fill the office until the next regular municipal election when the office shall be filled for the unexpired term, unless the unexpired term is in its final two years in which case the person appointed shall serve until the term expires, or

(b) Order a special municipal election to fill such vacancy for the unexpired term.

The Council shall set times for filings for such office provided filings shall close not sooner than seven (7) days after the adoption of the resolution. Such election shall be held no less than 45 nor more than 60 days after the adoption of such resolution. If more than two candidates file for such office, a special primary election shall be held two weeks prior to the special municipal election.

Minnetonka – Population 54,704

Section 2.06. Vacancies in the Council.

Subd. 1. Death or resignation. A vacancy in a council position automatically occurs on the date an incumbent dies. A vacancy also automatically occurs when an incumbent submits a written resignation to the mayor, city manager, or city clerk, effective on the date specified. If the date is not specified, the vacancy is created on the date of submittal. If the date of submittal is unknown, then the vacancy will occur on the date the official receives the written resignation.

Subd. 2. Other vacancies. A vacancy in a council position also exists in the following situations:

- a. failure of an elected person to qualify on or before the date of the council's second regular meeting in the year after the election;
- b. termination of residency in the city;
- c. except as provided in section 2.04, termination of a ward council member's residency in the ward from which elected;
- d. conviction of a felony either before or after qualification for office; or
- e. loss of qualifications for the elective office.

Subd. 3. Procedure to declare vacancy.

- a. The council must on its own motion declare by resolution that a vacancy exists when a vacancy occurs for a reason other than death or resignation.
- b. If the council fails to act or is unaware of a vacancy, a resident who is an eligible voter in the city may submit a written request with supporting facts to the city clerk, asking the council to declare a vacancy. A request submitted within 90 days after another request for the same council position will not be considered under this section. Within 45 days after receipt of the request, the council must investigate the claim and either declare that a vacancy exists or that the request lacked adequate evidentiary support.

Subd. 4. Procedure to fill the vacancy.

- a. A special election is required to fill a vacancy when:
 - (1) The vacancy has been declared, or has automatically occurred, before the first day to file affidavits of candidacy for the next regular municipal election; and
 - (2) more than two years remain in the unexpired term.

When this subdivision 4.a. applies, the city council must adopt a resolution to set the date for the special election at the first regular or special meeting of the city council occurring after the vacancy automatically occurs or at the same meeting at which the vacancy is declared. The special election must be held in accordance with subdivision 5 of section. The person elected will serve the unexpired term for that office. The city council, at its option and at the same or a subsequent meeting, may make an interim appointment of a person to fill the vacancy until a successor is elected at the special election and qualifies for the office.

b. If a special election is not required by subdivision 4.b. above, the council may either appoint an eligible person to serve until expiration of the position's term or fill the vacancy by special election. Upon notice of an impending resignation, the council may begin the process of determining how to fill the vacancy. No later than 60 days after a vacancy automatically occurs or is declared to exist, the council must appoint an eligible person to fill the vacancy or schedule a special election to be held in accordance with subdivision 5 of this section.

If the council does neither, the mayor, or acting mayor if the vacancy is in the mayor's position, has seven days to appoint an eligible person to fill the vacancy.

If after 67 days no appointment is made nor an election scheduled, the clerk must schedule a special election to be held in accordance with subdivision 5 of this section

Subd. 5. Special Election Requirements

a. Except as provided in subdivision 5.b. below, special elections must be held at the earliest date possible under state law. Candidates must file for office no later than four weeks before the election

b. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law.

Subd. 6. [repealed]

Subd. 7. The term of a council member elected at a special election begins as soon as the person has qualified for office and the city clerk has issued a certificate of election to the successful candidate in accordance with state law. The council member serves until the expiration of the position's term.

Subd. 8. [repealed]

Subd. 9. When the mayor or a council member is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period, the city council, by resolution, may declare a temporary vacancy in that office to exist. After a vacancy is declared, the council must appoint a qualified individual to fill the vacancy for the remainder of the unexpired term or until the original officeholder is again able to resume duties and attend council meetings, whichever is earlier. When the original officeholder is again able to resume duties and attend council meetings, the council must by resolution remove the temporary officeholder and restore the original officeholder.

(Amended by Ord. No. 2019-01, effective April 17, 2019; Amended by Ord. No. 2020-12, adopted June 8, 2020, effective Dec. 13, 2021, amended by election held Nov. 3, 2020)

St. Louis Park – Population 50,144

Section 2.05. Vacancies in the council. A vacancy in the council shall be deemed to exist if any person elected thereto fails to qualify on or before the date of the second (2nd) regular meeting of the new council. A vacancy shall also be deemed to exist due to the death, resignation, removal from office, removal from the city, removal of a ward councilmember from their ward, continuous absence from the city for more than three (3) months, or conviction of a felony of any such person whether before or after their qualification, or the failure of any councilmember without good cause to attend any council meeting for a period of three (3) consecutive months.

In each such case the council shall, promptly by resolution, declare a vacancy of the remainder of the term and appoint an eligible person to fill the vacancy unless the vacancy occurs within ninety (90) days of the next regularly scheduled city or state election. In the latter case, the council shall appoint an eligible person who shall serve until the following year's regularly scheduled election. The term of the appointed person shall extend to the first (1st) regularly scheduled council meeting of a new year following a regularly scheduled city or state election. The council shall call a special election concurrently with the next regularly scheduled city or state election for the purpose of electing an eligible person to fill the remainder, if any, of the unexpired term created by a vacancy.

Brooklyn Center – Population 33,585

Section 2.05. VACANCIES IN THE COUNCIL. When, for any reason, a vacancy should occur in the City Council or office of the Mayor, the City Council must publicly declare such vacancy and specify the date of occurrence of the vacancy within ten (10) days of its occurrence. Notice of the vacancy shall be posted at City Hall and sent to the official city newspaper on the next business day. The Mayor or Council member shall forfeit the office for (1) lack at any time during the term of office of any qualification for the office prescribed by this charter or by law, (2) violation of any express prohibition of this charter, (3) conviction of a crime involving moral turpitude, (4) failure to attend three consecutive regular meetings of the Council without being excused by the Council, or (5) departure of residence from the City. If the unexpired term of the Council vacancy is less than one year from the date of the occurrence of the vacancy, the Council by a majority vote of all its remaining members may either appoint a qualified person to fill the vacancy or call for a special election. If the unexpired term of the Council vacancy is one year or longer, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day. A quorum of the Council consists of three (3) members; if at any time the membership of the Council is reduced to fewer than three (3) members, the remaining members may by unanimous action appoint additional members to raise the membership to three (3) without following the procedures set forth in Section 2.05b.

Section 2.05a. PROCEDURES TO FILL COUNCIL VACANCIES BY SPECIAL ELECTION.

If the unexpired term of the council vacancy is one year or longer, or if the unexpired term of the Council vacancy is less than one year and the Council chooses not to fill the vacancy through the appointment process, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. The special election shall be held not sooner than sixty (60) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of

the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Section 2.05b. PROCEDURES TO FILL COUNCIL VACANCIES BY COUNCIL

APPOINTMENT. If the unexpired term of the council vacancy is less than one year, the Council by a majority vote of all its remaining members may appoint a qualified person to fill the vacancy.

Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day and shall include the following description of the application and appointment process, which shall be followed by the City Council:

1. Uniform applications in a form approved by the City Council must be received by the City Clerk, no later than twenty-one (21) days from the date of the declared vacancy. Application forms submitted by the applicants are public documents. Applications shall request, at a minimum, all information required by Minnesota Statutes of candidates filing for the office. Additional information forms may be adopted by the City Council and shall be required of each applicant uniformly. The applicant may submit a resume, in addition to the uniform application forms.

2. Tentative interview scheduling shall be completed and posted at City Hall no later than twenty-five (25) days from the declared vacancy. Applicants shall be responsible for requesting schedule changes.

3. Interview process shall not start earlier than twenty-eight (28) days from the declared vacancy.

a. Applicants shall be interviewed by the Council, in accordance with the State of Minnesota open meeting la

Minnesota Statutes, Section 412.02.

Subd. 2a. **Vacancy.**

Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.