

## **Chapter 2 ADMINISTRATION\***

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**\*Cross reference(s)**--Any administrative ordinances of the city not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-9(3); department and administrative authority over business regulations, § 10-1; civil emergencies, ch. 14; community development, ch. 16; elections, ch. 18; area fire district board of commissioners, § 24-96 et seq.; law enforcement, ch. 26; planning, ch. 30; planning commission, § 30-31 et seq.; utilities, ch. 42.

**State law reference(s)**--Municipal rights, powers and duties, M.S.A. ch. 471.

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## **ARTICLE I. IN GENERAL**

### **Sec. 2-1. Hearings.**

- (a) *Generally.* Unless otherwise provided in this Code or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.
- (b) *Notice.* Every hearing shall be preceded by ten days' mailed notice to all persons entitled to such notice by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good-faith effort has been made to comply with this section.
- (c) *Conduct of hearing.* At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The council may

adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

- (d) *Record.* Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in the official council minutes.

(Code 1987, § 100.05)

**Secs. 2-2--2-35. Reserved.**

**ARTICLE II. CITY COUNCIL \***

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**\*Cross reference(s)**--Elections, ch. 18.

**State law reference(s)**--Councils generally, M.S.A. § 412.191 et seq.

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**DIVISION 1. GENERALLY**

**Sec. 2-36. Presiding officer.**

- (a) *Who presides.* The mayor shall preside at all meetings of the council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the administrative clerk-treasurer shall call the meeting to order and shall preside until the councilmembers present at the meeting choose one of their number to act temporarily as presiding officer.
- (b) *Procedure.* The presiding officer shall preserve order, enforce the rules of procedure prescribed in this article, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by the rules of procedure, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order, Newly Revised.
- (c) *Appeal procedure.* Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his ruling, but no other councilmember shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.
- (d) *Rights of presiding officer.* The presiding officer may make motions, second motions or speak on any question; except that on demand of any councilmember, he shall vacate the chair and designate a councilmember to preside temporarily.

(Code 1987, § 201.02)

**Sec. 2-37. Minutes.**

- (a) *Who keeps.* Minutes of each council meeting shall be kept by the administrative clerk-treasurer or, in his absence, by a deputy. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the administrative clerk-treasurer and can be accurately identified from the description given in the minutes.
- (b) *Approval.* The minutes of each meeting shall be reduced to typewritten form and shall be signed by the administrative clerk-treasurer, and copies of the minutes shall be delivered to each councilmember as soon as practicable after the meeting. At the next regular meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

(Code 1987, § 201.03)

**Sec. 2-38. Order of business.**

- (a) *Order established.* Each meeting of the council shall convene at the appointed time and place. Council business shall be conducted in the following order:
  - (1) Call to order.
  - (2) Approval of minutes.
  - (3) Approval of bills to be paid.
  - (4) Reports of officers, boards and committees.
  - (5) Petitions, requests and communications.
  - (6) Unfinished business.
  - (7) New business.
  - (8) Miscellaneous.
  - (9) Adjournment.
- (b) *Varying order.* The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.
- (c) *Agenda.* The administrative clerk-treasurer shall prepare an agenda of business for each regular council meeting and file a copy in his office not later than one day before the meeting. The agenda shall be prepared in accordance with the order of business, and copies of the agenda shall be delivered to each councilmember and to the city

newspaper and city attorney as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the councilmembers present.

(Code 1987, § 201.04)

**Sec. 2-39. Quorum and voting.**

- (a) *Quorum.* At all council meetings a majority of all the elected councilmembers shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.
- (b) *Voting.* The votes of the members on any questions may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amount fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting."
- (c) *Votes required.* A majority vote of all members of the council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

(Code 1987, § 201.05)

**Sec. 2-40. Ordinances, resolutions, motions, petitions, communications.**

- (a) *Readings.* Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the council prior to final adoption but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.
- (b) *Signing and publication proof.* Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the administrative clerk-treasurer, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.
- (c) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision of an ordinance or resolution shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part of an ordinance or resolution shall set forth in full each amended section or subdivision as it will read with the amendment.
- (d) *Motions, petitions, communications.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every

petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the administrative clerk-treasurer.

(Code 1987, § 201.06)

**Sec. 2-41. Council assignments.**

(a) *Standing assignments.* There shall be the following standing council assignments:

- (1) Police, civil defense, fire.
- (2) Parks and recreation.
- (3) Streets and lights.
- (4) Water and sewer.
- (5) Health and refuse.
- (6) Fire commission.
- (7) Ambulance commission.
- (8) Planning and zoning.

Council assignments shall be made by the mayor at the first regular council meeting in January of each year.

(b) *Purpose.* These assignments are to assign a certain responsibility for government function to each member of the city council.

(c) *Referral and reports.* Any matter brought before the council for consideration may be referred by the presiding officer to the appropriate council assignee for a written or oral report and recommendation before it is considered by the council as a whole. Each council assignee shall act promptly and faithfully on any matter referred to it.

(Code 1987, § 201.07)

**Sec. 2-42. Salaries of mayor and councilmembers.**

The salary of the mayor and councilmembers shall be set in accordance with M.S.A. § 415.11.

(Code 1987, § 201.09)

**Secs. 2-43--2-65. Reserved.**

DIVISION 2. MEETINGS\*

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\*State law reference(s)--Open meetings law, M.S.A. § 471.705.  
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**Sec. 2-66. Regular meetings.**

Regular meetings of the council shall be held on the second Tuesday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall.

(Code 1987, § 201.01(1))

**Sec. 2-67. Special meetings.**

The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours' written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. Similar notice shall be given to the city newspaper and attorney, and a copy shall be posted on the bulletin board at the foyer of the city hall.

(Code 1987, § 201.01(2))

**Sec. 2-68. Initial meeting.**

At the first regular council meeting in January of each year, the council shall:

- (1) Designate the depositories of city funds.
- (2) Designate the official newspaper.
- (3) Choose one of the councilmembers as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies.
- (4) Appoint such officers and employees and such members of boards, commissions and committees as may be necessary.

(Code 1987, § 201.01(3))

**Sec. 2-69. Public meetings.**

All council meetings, including special and adjourned meetings and meetings of council committees, shall be open to the public in accordance with M.S.A. § 471.705.

(Code 1987, § 201.01(4))

**Secs. 2-70--2-100. Reserved.**

### ARTICLE III. OFFICERS AND EMPLOYEES\*

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**\*Cross reference(s)**--Any ordinance regarding salaries or compensation of city officers or employees saved from repeal, § 1-9(11); civil defense agency, § 14-31 et seq.; economic development authority, § 16-31 et seq.; fire department, § 24-31 et seq.; police department, § 26-31 et seq.; forester, § 44-32.

**State law reference(s)**--Municipal officers and employees generally, M.S.A. § 412.101 et seq.

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DIVISION 1. GENERALLY

**Secs. 2-101--2-120. Reserved.**

DIVISION 2. ADMINISTRATIVE CLERK-TREASURER\*

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**\*State law reference(s)**--Duties of clerk, M.S.A. § 412.151.  
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**Sec. 2-121. Position established.**

The position of administrative clerk-treasurer is established.

(Code 1987, § 201.10)

**Sec. 2-122. Purpose.**

The administrative clerk-treasurer shall be appointed by the city council as the chief administrative employee accountable only to the mayor and city council.  
(Code 1987, § 201.10(1))

**Sec. 2-123. Responsibilities.**

The administrative clerk-treasurer shall be accountable for but not limited by the scope of responsibility provided for in the current job description for such position.

(Code 1987, § 201.10(2))

**Secs. 2-124--2-145. Reserved.**

DIVISION 3. PUBLIC WORKS SUPERINTENDENT

**Sec. 2-146. Position established.**

The position of public works superintendent is established.



(Code 1987, § 201.13)

**Sec. 2-147. Purpose.**

The public works superintendent shall be appointed by the city council as the chief public works maintenance employee and be accountable to the mayor and city council directly, or through the administrative clerk-treasurer.

(Code 1987, § 201.13(1))

**Sec. 2-148. Responsibilities.**

The public works superintendent shall be accountable for but not limited by the scope of responsibilities provided for in the current job description for such position.

(Code 1987, § 201.13(2))

**Secs. 2-149--2-180. Reserved.**

**ARTICLE IV. FINANCE\***

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**\*Cross reference(s)**--Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issue of any bonds of the city, or any evidence of the city's indebtedness, or contract, right, agreement, lease, deed or other instrument or obligation assumed by the city saved from repeal, § 1-9(2); any appropriation ordinance saved from repeal, § 1-9(6); any ordinance levying or imposing taxes saved from repeal, § 1-9(7); any ordinance prescribing fees, fines, charges, rates or other specific monetary values saved from repeal, § 1-9(8).

**State law reference(s)**--Municipal finance and taxation generally, M.S.A. § 412.241 et seq.; municipal finance, taxation and special assessments, M.S.A. § 426.04 et seq.  
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**Sec. 2-181. Annual audit.**

- (a) *Established.* There is established the provision for annual auditing of city financial affairs.
- (b) *Procedure.* There shall be an annual audit for the city's financial affairs by the public examiner or a certified public accountant in accordance with generally accepted accounting principles.

(Code 1987, § 201.11(1))