

## CHAPTER 30: CITY GOVERNMENT

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### **GENERAL PROVISIONS**

#### **§ 30.01 COMMITTEES.**

(A) The City Council may create committees, standing or special, as it deems necessary, including, but not limited to the parks, planning, personnel, budget, and economic development.

(B) These committees shall consist of as many members and perform duties, as the Council may require.

(`74 Code, § 100:30) (Am. Ord. 494, passed 7-21-22)

**§ 30.02 OTHER BOARDS AND COMMISSIONS; ADVISORY STATUS.**

Pursuant to M.S. § 412.621, subd. 1, as amended from time to time, there shall be no board of health as defined in M.S. § 145A.02, subd. 2, as amended from time to time, library board, park board, public utilities commission, or any other administrative board or commission, except for the administration of a function jointly with another political subdivision. The Council shall itself be and perform the duties and exercise the powers of the board of health and shall govern and administer the library, parks and utilities as fully as other municipal functions for the administration of which no independent boards are authorized by statute for cities generally. The Council may, however, create boards or commissions to advise the Council with respect to any municipal function or activity or to investigate any subject of interest to the city.

(Am. Ord. 494, passed 7-21-22)

**§ 30.03 CITY MANAGER-CLERK ESTABLISHED.**

(A) The Office of City Clerk-Treasurer is hereby abolished.

(B) Pursuant to M.S. § 412.681, as amended from time to time, the Offices of City Manager and City Clerk in this city are hereby combined in the Office of City Manager-Clerk.

(C) The Office of City Treasurer shall be filled by appointment of the City Manager-Clerk.

(Ord. 194, passed 5-17-79; Am. Ord. 494, passed 7-21-22)

**§ 30.04 ANNUAL AUDIT.**

Beginning with the year in which this code becomes effective and each year thereafter, there shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.

(74 Code, § 110:00) (Ord. 174, passed 12-1-76; Am. Ord. 494, passed 7-21-22)

***CITY COUNCIL*****§ 30.15 MEETINGS; TIME AND NOTIFICATION.**

(A) Regular meetings of the Council shall be designated at the first regular meeting of the Council in January of each year, except that the first regular meeting shall be held on the same day as

the previous year. Any regular meeting falling upon a holiday shall be held on the next following business day, unless changed by the Council, at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Hall, unless otherwise designated by the Council with proper notice.

(B) Special meetings of the Council may be called by the Mayor or by any two members of the Council by writing filed with the City Manager-Clerk. At least one day before the meeting the City Manager-Clerk shall notify each member of the time, place, and purpose of the meeting by causing written notice thereof to be delivered to him or her personally if he or she can be found, or, if he or she cannot be found, by leaving a copy at the home of the member with some person of suitable age and discretion. Special meetings may be held without prior written notice when all Council members are present at the meeting or consent thereto in writing. This consent shall be filed with the City Manager-Clerk prior to the beginning of the meeting. Any special meeting attended by all the Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) All Council meetings, including special meetings and adjourned meetings, shall be open to the public, unless closure is permitted or required by the Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time.

(D) No Council meeting shall be conducted after 7:00 p.m. on the day of a political party precinct caucus.

(^74 Code, § 100:00) (Am. Ord. 494, passed 7-21-22)

### **§ 30.16 ANNUAL DESIGNATIONS; OFFICERS, NEWSPAPER, AND DEPOSITORIES.**

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

(A) Designate the official newspaper;

(B) Designate the depositories of city funds;

(C) Choose an acting mayor from the Council members, 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 qualified; and

(D) Appoint officers and employees and members of boards, commissions, and committees as may be necessary.

(`74 Code, § 100:00) (Am. Ord. 494, passed 7-21-22)

### **§ 30.17 PRESIDING OFFICER; MAYOR.**

(A) 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 City Manager-Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) The presiding officer shall preserve order, enforce rules of procedure herein prescribed, 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 these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order Revised*.

(C) 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 or her ruling, but no other Council member 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.  
(`74 Code, § 100:05) (Ord. 494, passed 7-21-22)

### **§ 30.18 MEETING MINUTES.**

(A) (1) Minutes of each Council meeting shall be kept by the City Manager-Clerk, or in his or her absence, by the Assistant City Clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem.

(2) Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Manager-Clerk and can be accurately identified from the description given in the minutes.

(B) The minutes of each meeting shall be reduced to typewritten form, and shall be signed by the City Manager-Clerk, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following 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, approval 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.

(`74 Code, § 100:10) (Am. Ord. 494, passed 7-21-22)

**§ 30.19 ORDER OF BUSINESS; AGENDA.**

(A) Each meeting of the Council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

- (1) Call to order;
- (2) Pledge of Allegiance;
- (3) Roll call;
- (4) Approval of agenda;
- (5) Consent agenda:
  - (a) Approval of minutes;
  - (b) Approval of bills;
  - (c) Resolutions;
- (6) Public hearings;
- (7) Open forum (five minute limit must be requested to be on agenda);
- (8) Petitions, requests, and communications (five minute limit must request to be on the agenda);
- (9) Ordinances and resolutions;
- (10) Reports of departments:
  - (a) City Manager;
  - (b) Police;
  - (c) Parks;
  - (d) Public works;
  - (e) Liquor store;

- (f) Fire Department;
- (g) Planning and zoning;
- (h) Airport;
- (11) Committees:
  - (a) Personnel;
  - (b) Budget;
  - (c) Tourism;
  - (d) EDC;
- (12) Unfinished business;
- (13) New business;
- (14) Miscellaneous;
- (15) Council comments;
- (16) Adjournment.

(B) 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 the hearing.

(C) An agenda of business for each Council meeting shall be prepared and filed in the office of the City Manager-Clerk not later than the Friday immediately preceding the regular scheduled meeting of the City Council. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member and to the City Attorney as far in advance of the meeting as time for preparation will permit. Unless the Council, in its discretion, votes to consider matters not appearing on the agenda, no item of business shall be considered unless it appears on the agenda for the meeting. In the event any Council member wishes to propose a new ordinance including amendments to existing ordinances, and the new ordinance does not relate directly to a subject or item of business on the agenda, then one week prior to the regular scheduled meeting of the Council, the Council member introducing that ordinance must present to the City Manager-Clerk in writing a summary of the ordinance to be proposed. The City Manager-Clerk shall then include the proposed ordinance as part of the agenda and deliver a copy of the summary to other Council members and to the City Attorney at the same time the agenda is delivered.

(^74 Code, § 100:15) (Am. Ord. 262, passed 11-10-83; Am. Ord. 494, passed 7-21-22; Am. Ord. 505, passed 10-19-22)

**§ 30.20 QUORUM; VOTING.**

(A) At all Council meetings a majority of all the Council members elected shall constitute a quorum for the transaction of business.

(B) The votes of the members on any question pending before the Council may be by voice vote, standing vote, or any other manner of voting which signifies the intention of the members, and the names of those voting for and against the question shall be recorded in the minutes. If any member, being present, does not vote, the minutes, as to his or her name, shall be marked "Present - Not voting."

(C) 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.

(D) Whenever a phrase "four-fifths vote of the Council" or a similar phrase is used in this code or any other ordinance contained in the municipal code of the city, these phrases shall be deemed to mean a four-fifths vote of all the members of the Council, including members not then and there present. ('74 Code, § 100:20) (Am. Ord. 262, passed 11-10-83; Am. Ord. 494, passed 7-21-22)

**§ 30.21 ORDINANCES, RESOLUTIONS, MOTIONS, AND THE LIKE.**

(A) Every ordinance shall be presented in writing and shall receive two readings by the City Manager-Clerk before the Council previous to its passage, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. Every ordinance introduced or considered shall be recorded in the minutes by title.

(B) (1) This first reading of an ordinance shall be by title only and unless the rules are suspended, each member of the Council shall be furnished a copy of the ordinance before the next Council meeting. No vote on the first reading will be required except where a public hearing is required before passage of an ordinance.

(2) In cases where a public hearing is required, the first reading must pass by a majority vote of the Council members then and there present before a public hearing will be called, and if the ordinance shall fail to receive a majority vote to pass in the first reading, no public hearing will be called and the ordinance shall be deemed to have been defeated. A vote in favor of the passage of the first reading of the ordinance shall not be deemed a vote in favor of the ordinance on the second reading, nor shall a Council member voting for an approval of the first reading be required to vote in favor of the ordinance on the second reading. Nothing in this section shall be construed to deny the right to a public hearing where a citizen has a right to a hearing under law. The first reading of an ordinance shall be informational in nature only and unless the rules are suspended shall not be subject to debate at the first reading.

(C) The second reading of an ordinance shall be by section headings only, at which time amendments, if any, may be offered; but the reading of any sections shall not prevent a Council member from offering amendments to a previous section. If no amendments are made, the presiding officer shall submit the ordinance to a vote; but if amendments are made, the presiding officer shall so report and each section shall be read as amended before a vote upon the ordinance is taken.

(D) All motions shall be recorded in the minutes and stated in full before the presiding officer submits them to a vote. All petitions and other communications addressed to the Council shall be in writing and shall be read in full upon presentation of the same to the Council. They shall then be filed in the office of the City Manager-Clerk.

(E) Every ordinance and resolution by the Council shall be signed by the Mayor, attested by the City Manager-Clerk, and filed by him or her in the Ordinance or Resolution Book. Proof of publication of every ordinance shall be attached to and filed with the ordinance.

(F) Every ordinance or resolution repealing a previous ordinance or resolution or a section or division thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or division thereof shall be amended by reference to the title alone, but the amending ordinance or resolution shall set forth in full each section or division to be amended.

(`74 Code, § 100:25) (Am. Ord. 262, passed 11-10-83; Am. Ord. 494, passed 7-21-22)

### **§ 30.22 RULES; SUSPENSION OR AMENDMENT.**

These rules, or any of them, may be temporarily suspended by a three-fourths vote of all the Council members, and shall not be repealed or amended except by a majority vote of the whole Council after notice has been given at some preceding Council meeting.

(`74 Code, § 100:35) (Am. Ord. 494, passed 7-21-22)

### **§ 30.23 MAYOR AND COUNCIL MEMBERS; COMPENSATION.**

Salaries of the Mayor and Council members shall be fixed by ordinance. No change in salary shall take place until after the next succeeding city election.

(`74 Code, § 105:05) (Ord. 172, passed 11-10-76; Am. Ord. 443, passed 7-19-18; Am. Ord. 494, passed 7-21-22)