

CHAPTER 2. ADMINISTRATION AND GENERAL GOVERNMENT

Section 200 GENERAL PROVISIONS

200.01 Authority and Purpose. Pursuant to authority granted by Statute, the Chapter of the Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

200.02 Council Meetings – Time and Place. Regular meetings of the Council shall be held in the Community Building on the first Monday of each month at 7:30 o'clock P.M., or at a date set at the discretion of the Council. Special and adjourned meetings shall be held at the time and in the place as set by the City Council, or at the time and in the place specified in the Notice of Meeting. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next day at the same time. All Council meetings, including special and adjourned meetings, shall be open to the public unless such meeting is closed pursuant to the Minnesota Open Meeting law. Notice of all meetings, including closed meetings, shall comply with the notice requirements of the Open Meeting law.

200.03 Special Meetings. Special meetings of the Council may be called by the Mayor or by any two members of the Council by a writing filed with the City Clerk. At least one day before the meeting the City Clerk shall notify each member of the time, place and purpose of the meeting. Any special meeting attended by a quorum of Council members shall be a valid meeting for the transaction of any business that may come before the meeting. A written notice shall be posted in the Community Building in addition to notices given to members of the Council.

200.04 Organizational Meeting. The organizational meeting shall be held on the first business day of January of each year or other date in January at the discretion of the Council. No later than 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 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 qualifies; (4) appoint officers, employees and members of boards, commissions and committees as may be necessary.

200.05 Council Rules.

Subd. 1 Presiding Officer.

A. The Mayor shall preside at all the meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk shall call the meeting to order and preside until the Council members present at the meeting choose one of their numbers to act temporarily as presiding officer.

B. The presiding officer shall preserve order, enforce the rules of procedure prescribed in this Code, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

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/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.

Subd. 2 Minutes

A. Minutes of each Council meeting shall be kept by the City Clerk. In the absence of the City Clerk, the presiding officer shall appoint a secretary. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City 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, shall be signed by the City Clerk, and copies shall be delivered to each Council member prior to the next regular Council Meeting. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes shall be read aloud, and 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. The Council will then vote on the minutes or the minutes as corrected.

Subd. 3 Quorum and Voting

A. At all Council meetings a majority of all the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

B. The votes of the members on any question pending before the Council may be by voice vote, standing vote, or in 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 the member's name, shall be marked "Present – Not voting".

C. A majority 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.

Subd. 4 Ordinances, Resolutions, Motions Petitions, and Communications.

A. Every ordinance shall be presented in writing and shall be read in full before a vote is taken; but reading in full may be dispensed by a unanimous consent. Resolutions may be presented either in writing or verbally. All motions shall be recorded in the minutes and stated in full before they are submitted to a vote by the presiding officer. 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 recorded in the minutes by title and filed with the minutes in the office of the City Clerk.

B. Every ordinance passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed by the Clerk in the ordinance book. Proof of publication of every ordinance shall be attached to and filed with the ordinance.

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

Subd. 5 Committees.

A. the Council may create committees, standing or special, as it deems necessary. Such committees shall perform duties as may be required. Each committee member shall serve as appointed by the Council unless excused by a majority of the members of the Council. The chairman of each committee if necessary shall be designated by the Mayor or by the committee.

B. Any matter before the Council for consideration may be referred by the Council to the appropriate committee or to a special committee appointed by them for a written or oral report and recommendations, as may be required by the Council, before it is considered by the Council. Each committee shall act promptly and faithfully on any matter referred to it.

Subd. 6 Suspension or Amendment of the Rules. The rules may be temporarily suspended by a majority vote of all the Council members, and shall not be repealed or amended except by a majority 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.

Subd. 7 Roberts' Rules of Order. Except as otherwise provided, all meetings shall be conducted following Roberts' Rules of Order.

200.06 City Clerk.

Subd. 1 Position Established. The position of City Clerk is hereby established.

Subd. 2 Appointment. The City Clerk shall be appointed by the Council for an indefinite term.

Subd. 3 Duties. The City Clerk shall at all times be responsible to the Council for the proper administration of all affairs of the City and accordingly, subject to such Council approval, shall be the administrative officer, and the Council hereby delegates to the Clerk the following:

A. The City Clerk shall perform all duties of Clerk and Treasurer of a statutory city.

B. The City Clerk shall prepare and submit an annual budget to the Council and keep the Council advised of the financial condition of the City, and make such recommendations as the Clerk may from time to time determine desirable and necessary.

C. The City Clerk shall attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council. The City Clerk shall also represent the City at all official or semi-official functions as may be directed by the Council and not in conflict with the prerogative of the Mayor. The Clerk shall be entitled to notice of all regular and special meetings of the Council.

D. The City Clerk shall perform such other duties as may be required by the Council and consistent with Minnesota Statutes and the City Code.

Subd. 4 Bond Required. The City Clerk shall furnish a surety bond, which may be an individual or blanket bond covering all City employees, approved by the Council; said bond to be conditioned on the faithful performance of the Clerk's duties. The premium on the bond shall be paid by the City.

200.07 City Seal. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk and affixed by the Clerk. The official City Seal shall be a circular disc having engraved thereupon "CITY OF KILKENNY" and such other words, figures or emblems as the Council may, by resolution, designate

200.08 Facsimile Signatures. The Mayor and City Clerk are hereby authorized to request a depository of City funds to honour an order for payment when such instrument bears a facsimile of the Mayor's or the Clerk's signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were such person's manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

200.09 Rules of Procedure for Appeals and Other Hearings. The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions

therein presented, Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

200.10 Salaries of Mayor and Councilmember's. Salaries of the Mayor and Council are hereby fixed as follows, which amounts are deemed reasonable:

Subd. 1 Mayor. The annual salary of the Mayor shall be \$750.00

Subd. 2 Council Members. The annual salary of each Council member shall be 540.00

200.11 Worker's Compensation. All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

200.12 Interim Emergency Succession and Civil Defence

Subd.1 Purpose. Due to the existing possibility of a man made or natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

Subd. 2 Succession to Local Offices. In the event of a man made or a natural disaster affecting the vicinity of the City, the Mayor, Council and City Clerk shall be forthwith notified by any on of said persons and by any means available to gather at the Community Building. In the event that safety or convenience dictates, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

A. By majority vote of those persons present, regardless of number, they shall elect a Chair and Secretary to preside and keep minutes, respectively.

B. They shall review and record the specific facts relating to the man made or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.

C. They may, based on such facts, declare a state of emergency.

D. By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.

E. Such interim successors shall serve until such time as the duly elected official is again available and returns to the position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3 Duties of the Interim Emergency Council. The Council may appoint a Civil Defence Coordinator either for the City or in conjunction with another unit of government, and provide for coordinator's compensation.

Section 201 – GENERAL CITY ELECTIONS

201.01 General

Subd. 1 Date of Election. The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 1974 election.

Subd. 2 Extension of Terms of Council Members. The term of the mayor whose current term will expire on the first business day of January, 1976, is extended to the first business day of January, 1977. This office shall be filled at the 1976 City election.

Subd. 3 Shortening of Terms of Council Members. The term of the council man whose current term will expire on the first business day of January, 1976, shall be shortened by one year and this office shall be filled at the 1974 City election,

Subd. 4 Terms and Transition. Two council members shall be elected for four year terms at each biennial election commencing in 1974. The mayor shall be elected for a two year term at each such election commencing in 1976.

Section 205 – DEPARTMENTS GENERALLY

205.01 General

Subd. 1 Control. All Departments of the City are under the overall control of the Council. Heads of all Departments are responsible to the City Clerk and are subject to his or her supervision and direction, except as otherwise provided in this Section.

Subd. 2 Appointment. All department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable 'Civil Service Regulations in effect in the City.

Subd. 3 Compensation. All wag and salary scales shall be fixed and determined by the Council, except as otherwise provided by law.

Subd. 4 Budgetary Information. The Heads of all Departments shall, prior to August 1 in each year, file with the City Clerk the projected financial needs of the Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the Council.

205.02 Legal Department. A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of the attorney by law or referred to the attorney by the Council. It shall be the official duty of the City Attorney to act as "Reviser of Ordinances".

Section 210 – CITY PLAN

210.01 City Plan.

Subd. 1 Preparation of City Plan. It shall be the function and duty of the City Council to prepare and adopt a Comprehensive City Plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such Plan may be prepared in sections, each of which shall relate to a major subject of the Plan.

Subd. 2 Procedure for Adoption of Plan. Before adopting the City Plan, any section or substantial amendment, the City Council shall hold at least one public hearing. Notice of the time and place of the hearing shall be given by publication in a newspaper of general circulation at least ten (10) days before the day of the hearing. The adoption of the City Plan, any section or amendment, shall be by resolution of the City Council, approved by the affirmative votes or not less than a majority of the City Council. The City Council may from time to time amend or add to the City Plan or section as provided in this Section for the adoption of the original Plan, whenever changed conditions or further studies by the City Council indicate that such amendment or addition is necessary.

Subd. 3 Zoning Plan. The City Council may, after public hearing, prepare a proposed zoning plan for the City. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

Subd. 4 Official Map of Street Extensions. The City Council may prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon such map the proposed future extension of widening of streets of the City within such existing platted and developed territory or across such unplatted territory. After such map has been prepared and a hearing on it has been held as provided in Subd. 3, the Council shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. After such map has been adopted by the Council and filed with the County Recorder; whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purpose are acquired by action of the City it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

Subd. 5 Plats. Every proposed plat of land within the City or within two miles of the limits of the City and not within a town which itself requires the approval of plats, shall be submitted to the Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the Council. The procedure for submitting and approving a proposed plat is set out in the subdivision regulations of this Code.

210.02 Board of Zoning Adjustments and Appeals. The Council shall serve as the Board of Zoning Adjustments and Appeals under provisions of the City code.

Section 215 – SPECIAL ASSESSMENTS

215.01 Partial Prepayment of Special Assessments. After the adoption of an assessment roll pursuant to Minn. Stat., Chap. 429, as amended, and before certification of said assessment roll to the County Auditor, the City Clerk, or other authorized official, is authorized and directed to accept partial prepayment of said assessment, and reduce the amount certified to the County accordingly. As provided by law, such partial prepayment may be accepted only during the thirty-day period following approval of the assessment roll.