

PART II

ADMINISTRATION AND GENERAL GOVERNMENT

CHAPTER 200

CITY COUNCIL

Section

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200.01 Composition and Authority of City Council.

Subd. 1. Composition of the City Council. The Council shall consist of the Mayor and four Councilmembers with the Mayor to be elected in the City at large, two (2) Councilmembers to be elected from Ward I, and two (2) Councilmembers to be elected from Ward II. The election for Councilmembers shall take place at the general election on the first Tuesday after the first Monday in November of each even numbered year with the Mayor and one (1) Councilmember from Ward I and one (1) Councilmember from Ward II to be elected each even numbered year. The Mayor shall serve for a term of two (2) years and each Councilmember shall serve for a term of four (4) years. Each person serving in an elected city office (including a person appointed to fill a vacancy) shall meet the requirements of the Minnesota Constitution and the Minnesota Statutes for such office.

Subd. 2. Authority of Council. The Council shall act for and on behalf of the City of Waconia. The City of Waconia is a municipal corporation having the powers and rights and subject to the duties of municipal corporations at common law together with those specific statutory provisions as set forth in Minnesota Statutes, Chapter 412 et seq. Among the powers to be exercised by the Council, on behalf of the City, is the power to acquire such real and personal property as the purposes of the City may require, by purchase, gift, devise, condemnation, lease or otherwise, and to hold, manage, control, sell, convey, lease, or otherwise dispose of such property as

its interest requires. In addition the Council shall have the power to sue and to defend the City in any actions brought against it.

200.02 Meetings.

Subd. 1. Annual Meeting. On the first Monday of January of each year (or the next day if such Monday falls on a public holiday), the Council shall meet at the usual time and place for holding Council meetings for the purpose of organizing City business. The following functions shall be performed at such meeting:

- A. Swear in new Councilmembers who shall assume their duties;
- B. Designate the depository of City funds;
- C. Designate the official newspaper;
- D. 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 the Mayor, until such time as a successor has been appointed and qualifies;
- E. Appoint such officers, employees, and professional consultants and such members of boards, commissions, and committees as may become necessary.
- F. Approve a schedule for regular meetings for the year.

Subd. 2. Regular Meetings. Regular meetings of the Council during each year shall be held pursuant to a schedule of regular meetings adopted by the Council at its annual meeting and kept at the City's primary office. Any regular meeting falling on a public holiday shall be held at the same time and place on the next day that is not a weekend or a public holiday. The Council may change the date, time or location of any regular meeting, provided the City shall provide notice of any such change in conformance with the notice requirements applicable to special meetings. Any business may be conducted at a regular meeting.

Subd. 3. Special Meetings. Special meetings of the Council may be called by the Mayor or by any two (2) members of the Council pursuant to a written statement filed with the City Clerk. Upon receiving such written statement, the Clerk shall mail a notice to all Councilmembers of the time, place and purpose of the meeting at least one (1) day before the meeting. In addition, the Clerk may also deliver the notice personally to each Councilmember or deliver it to the councilmember's usual place of residence and leave it with some responsible person. If all of the councilmembers attend and participate in the meeting, the notice requirements to councilmembers will be considered to have been satisfied. At least three (3) days before the meeting, notice of the time, place and purpose of the special meeting shall also be: i) posted at the City's principal bulletin board at City Hall; and ii) mailed or delivered to each

person who has filed a written request for notice of special meetings with the City. As an alternative to mailing or delivering the notice, the City may publish the notice once in its official newspaper at least three (3) days before the special meeting. Any business may be conducted at a special meeting, but the Council should limit such a meeting, whenever possible, to the subjects stated in the meeting notice.

- Subd. 4. Emergency Meetings. An emergency meeting may be called in the same manner as a special meeting whenever immediate Council consideration is required, except that the public notification requirements do not apply. Instead, a good faith effort must be made to provide notice of the emergency meeting to all media that have filed a written request for notice. Such notice must be by telephone or by any other method used to notify councilmembers. The notice must include the subject of the meeting. A published or posted notice is not necessary. Any business may be conducted at an emergency meeting, but the Council should limit such a meeting, whenever possible, to the subjects stated in the meeting notice. If any matters not related to the emergency are discussed at the meeting, the minutes from the meeting must include a specific description of such matters.
- Subd. 5. Recessed and Continued Meetings. If a meeting is recessed or continued and the date, time and place of the next portion of the meeting is announced at an open meeting and recorded in the minutes, no further notice is required.
- Subd. 6. Public Meetings. All Council meetings and Council committee meetings shall be open to the public unless otherwise permitted or required by law.
- Subd. 7. Closed Meetings. Meetings ay be closed as allowed by law.
- Subd. 8. Actual Notice. If a person receives actual notice of a meeting at least twenty-four (24) hours before the meeting, all notice requirements shall be demed satisfied with respect to that person, regardless of the method of receipt of notice.
- Subd. 9. Notice Requests. The City Council may, by resolution, set an expiration date for special meeting notice requests and require re-filing of such requests once each year. If an expiration date is set, the City Clerk shall notify each person of the expiration date and the need to re-file not more than sixty (60) days before the re-filing is due.
- Subd. 10. Election Nights/Precinct Caucus Nights. No Council meeting shall be conducted between 6:00 p.m. and 8:00 p.m. on any election day or after 6:00 p.m. on the day of the political party precinct caucuses.

200.03 Presiding Officer.

Subd. 1. 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 Clerk shall call the meeting to order and shall preside until the Councilmembers present at the meeting choose one of their members to act temporarily as presiding officer.

Subd. 2. Procedure. The Presiding Officer shall preserve order, enforce the 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 “Roberts Rules of Order Revised”.

Subd. 3. 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 the 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.

Subd. 4. Rights of Presiding Officer. Whenever the Presiding Officer desires to speak on any question or second any motion, he shall not vacate the chair. To make any motion he shall vacate the chair, and designate the Acting Mayor, or in his absence, some other Councilmember to preside temporarily and shall not resume the chair until the matter under consideration has been acted upon by the Council.

200.04 Minutes.

Subd. 1. Custody and Recording. The minutes of each Council meeting shall be kept by the City Clerk. In the absence of the Clerk 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 City Clerk and can be accurately identified from the description given in the minutes.

Subd. 2. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular Council 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.

Subd. 3. Public Access. Any citizen shall have access to the minutes and records of the Council meetings at all reasonable times. The Clerk shall keep the minutes at the City offices and they shall be available for inspection during regular business hours.

Subd. 4. Publication of Minutes. The City shall publish the minutes of each Council meeting, or a summary thereof, in conformance with the requirements of the Minnesota Statutes. The publication shall occur within thirty (30) days of the meeting to which the proceedings relate. In the alternative, the City may mail a copy of the minutes from a meeting to any resident of the city upon request, at the City's expense.

200.05 Order of Business.

Subd. 1. Order Established. Each meeting of the Council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order:

- A. Call To Order
- B. Presentation of the Flag
- C. Consider Agenda
- D. Public Hearings
- E. Consider Consent Agenda
- F. Visitor's Presentations, Petitions, Correspondence
- G. Council Business
- H. Items Removed from Consent
- I. Staff Reports
- J. Board Reports
- K. Announcements
- L. Adjournment

Subd. 2. 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.

Subd. 3. Agenda. An agenda of business for each regular Council meeting shall be prepared and filed in the office of the Clerk not later than the day of the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Councilmember and to all affected staff personnel 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 by the Councilmembers present.

200.06 Quorum and Voting.

Subd. 1. Quorum. At all Council meetings a majority of all the Councilmembers elected shall constitute a quorum to do business but a smaller number may adjourn from time to time.

Subd. 2. Voting. The votes of the members on any question pending before the Council may be by voice vote or in any other manner of voting which signifies the intention of the members. However, if the vote is not unanimous there shall be a roll call and the names of those voting for and against the question shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to his name, shall be marked “present-not voting”.

Subd. 3. Votes Required. An affirmative vote of a majority of all members of the Council shall be necessary for approval of any Ordinance unless a larger number is required by the Minnesota Statutes. Except as otherwise provided by the Minnesota Statutes, a majority vote of a quorum shall prevail in all other cases.

Subd. 4. Presiding Officer Vote. The Mayor shall vote last on any question before the Council.

200.07 Ordinances, Resolutions, Motions, Petitions and Communications.

Subd. 1. Readings. Every Ordinance, except emergency ordinances, shall be presented in writing. Resolutions may be either presented in writing or, if not presented in writing, stated in full before they are submitted to a vote by the Presiding Officer and then recorded in the minutes. All other 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 Clerk.

Subd. 2. Signing, Publication and Recording. Every Ordinance passed by the Council shall be signed by the Mayor, attested by the City Clerk, published once in the City’s official newspaper within forty-five (45) days of being passed, and recorded in the City’s Ordinance book within twenty (20) days of publication. In the alternative to publishing the entire ordinance, the Council may by four/fifth (4/5) vote all of councilmembers publish a summary of the ordinance, which summary publication shall conform to the requirements set forth in the Minnesota Statutes for summary publication. A certified copy of every ordinance, resolution, map, or regulation

relating to subdivisions, conditional use permits, and official maps must be filed with the Carver county Recorder.

Subd. 3. Repeals and Amendments. Every Ordinance or Resolution repealing a previous Ordinance or Resolution or a section or subdivision thereof 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 thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

200.08 Publication of Financial Report.

Subd. 1. Annual Financial Report. The annual financial report of the City of Waconia shall be published in the official newspaper, in accordance with the Minnesota Statutes, as soon as practicable after its approval.

200.09 Salaries and Expenses for Mayor and Council Members.

Subd. 1. Salaries. The salary for the Office of Mayor shall be \$7,200 per year. The salary for the Office of Councilmember shall be \$6,000 per year.

Subd. 2. Expenses. The Mayor and Councilmembers may be reimbursed for any expenses incurred by them in connection with their official duties for and on behalf of the City of Waconia with such reimbursement to be made in accordance with City Policy and only after approval by the Council.