

CHAPTER 30: GENERAL PROVISIONS

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30.01 CITY COUNCIL MEETINGS.

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. 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 unless the City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

(B) *Special meetings.* The Mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice to each member of the City Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Pursuant to M.S. Ch. 13D, as it may be amended from time to time, 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) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. Ch. 13D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 13D, as it may be amended from time to time.

(D) *Initial meeting.* At the first regular City Council meeting in January of each year, the City Council shall:

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;
- (3) Choose one of the Council Members 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 officers and employees and members of departments, boards, commissions and committees as may be necessary;
- (5) Establish and appoint Council Members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of City Commissions and Boards, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time.

30.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the City 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 shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City Council 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 Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. 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 City Clerk 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, shall be signed by the City Clerk, and copies thereof shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City 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 City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or by-laws or other procedures adopted by Council resolution:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes.
- (4) Consent agenda.
- (5) Public hearings.
- (6) Petitions, requests, and communications.
- (7) Ordinances and resolutions.
- (8) Reports of officers, boards, and committees.
- (9) Unfinished business.
- (10) New business.
- (11) Miscellaneous.
- (12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Clerk upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk thereof at least 72 hours before new business is to be heard. The City Clerk may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

30.05 VOTING.

The votes of the Council Members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council

Members on any action taken shall be recorded in the minutes. The vote of each Council Member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to his or her name, shall be marked APresent-Not Voting.@

30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *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.

30.07 SUSPENSION OR AMENDMENT OF RULES.

These rules may be suspended only by a two-thirds vote of the members present and voting.

30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. ' 415.11, as it may be amended from time to time.

30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.

30.091 MANDATORY RETIREMENT AGE FOR ALL CITY OF LANESBORO EMPLOYEES

SECTION 1. Mandatory Retirement Age. Pursuant to Minnesota Statute Section 363.02 Subd. 6, Minnesota Statute Section 181.81, and Minnesota Statute Section 181.811, the City of Lanesboro here-by, by this ordinance, establishes a mandatory retirement age for all City of Lanesboro employees, For all City of Lanesboro employees now or hereinafter employed, every City of Lanesboro -employee shall be

subject to mandatory and immediate retirement upon that employee reaching 80 years of age.

30.092 ROLE OF CITY ADMINISTRATOR

The position of City Administrator is hereby established and He/she shall be the Chief Administrative Officer of the municipality.

He/she shall be chosen by the City Council solely on the basis of his/her training and experience and administrative qualifications. The City Administrator shall be appointed for an indefinite period by a majority of the City Council and may be removed from office only by a majority of the City Council, after thirty (30) calendar days written notice. If he/she has served as City Administrator for one year, written charges and a public hearing on the charges before the City Council shall be provided if requested prior to the date wherein his/her removal takes place. The Public Hearing must be held within thirty (30) calendar days after presentation of the charges and he/she must receive the charges at least ten (10) calendar days before the public hearing

The duties and responsibilities of the City Administrator shall be:

- 1) Subject to the City Council regulations and applicable laws, the City Administrator shall direct the administration of municipal affairs.
- 2) Perform all functions of the Clerk & Treasurer imposed by Minnesota Statutes and/or City Ordinances.
- 3) The City Administrator shall see that all laws, ordinances and resolutions of the City are enforced.
- 4) The City Administrator shall supervise the activities of all municipal department heads and personnel of the City in the administration of the municipal policy. "He/She shall not supervise or control the performance of the duties and obligations of City Clerk & Treasurer." He/she shall conduct annual evaluation and review of work performance of all department heads. He/she shall interview and screen prospective City employees as permitted by law and shall make recommendations to the City Council before the council makes any job appointments; he/she shall also make recommendations for terminating and suspending employees.
- 5) The City Administrator shall attend and participate in all meetings of the City Council and Public Utilities. He/she shall be responsible for the preparation of the City Council Agenda and recommend to the City Council such measures as he/she may deem necessary for the welfare of the citizens and the efficient administration of the City. He/she may attend at his/her discretion or at the direction of the City Council, other committee and commission meetings.
- 6) He/she shall be responsible for the Preparation of the Public Utility and Park Board Agendas.
- 7) The City Administrator shall prepare an annual fiscal budget and capital improvement plan for the City Council. He/she shall maintain financial guidelines for the municipality within the scope of the approved budget and

capital program. He/she shall submit reports to the City Council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes.

8) The City Administrator shall handle all personnel matters for the City in conjunction with policy established by the City Council. He/she shall negotiate terms and conditions of employee labor contracts for presentation to the City Council.

9) The City Administrator shall represent the City at official functions as directed by the City Council and maintain good public relations with the citizens of the community.

10) The City Administrator shall coordinate municipal programs and activities as directed by City Council. He/she shall monitor all consultant and contract work performed for the City. He/she shall coordinate the activities of the City Attorney.

11) The City Administrator shall be informed regarding federal, state and county programs which affect the municipality. He/she shall consult with officials of both public and private agencies as may be required. He/she shall then issue administrative orders to carry out such policies and procedures consistent with state law, City Ordinance, and council policy.

12) The City Administrator shall inform the City Council on matters dealing with the administration of the City and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure within the City.

13) The City Administrator shall be bonded, at City expense, through a position bond which will indemnify the municipality.

14) He/she shall perform such other duties as may be prescribed by law or required of him/her by ordinance or resolutions adopted by the City Council.

15) The City Administrator shall prepare news releases, develop and discuss public relations material with all concerned as requested. He/she shall maintain good relations with the general public.

The City Administrator must have considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper municipal operations. He/she must have knowledge of, or ability to acquire full knowledge of all laws affecting the municipality. He/she must have the ability to provide harmonious relations with municipal employees and the general public. He/she must have the ability to plan development, to collect material and analyze for reporting and to conduct and implement standards of procedure, operation and organization.

There shall be an assistant Clerk hired by the City Council, who shall assist the Administrator in the performance of duties and responsibilities as outlined.

In the absence of, or temporary vacancy in the position of City Administrator the title of Administrator and/or City Administrator as written in all ordinances and/or resolutions adopted by City Council, shall be replaced by the title of City Council.

30.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

30.101 ATTENDANCE POLICY

Purpose: The purpose of this policy letter to establish a uniform and equitable system for all committees and sub-committees of city government with respect to attendance at regularly held meetings. The council intends for appointed committee members to actively participate and attend meetings. City government operates best when information is gathered, discussed and brought to the council for action through the committee process. Committee members serve a vital role in the effective functioning of government. Members who repeatedly miss meetings do not positively contribute to this process. This policy may be amended at any time at the sole discretion of the city council.

Scope of Policy: This policy applies to all members who serve on either committees and/or subcommittees designated by the city council of the city of Lanesboro.

Absenteeism Policy Statement: Hereafter, if a person serving on a committee misses three regularly scheduled meetings in a calendar year, he/she shall be removed from serving on that particular committee. Special meetings do not apply to this policy.

Enforcement: The chairperson, or acting chairperson of the committee will notify any member who is in violation of this policy, that they have been removed from serving. The affected member may appeal the dismissal to the council.

30.11 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

30.111 CITY OF LANESBORO FEE SCHEDULE

WHEREAS, all fees payable to the City, by reason of this Code, shall be governed by this Chapter; except that if any Code Chapter or State law provides for or requires the payment of a fee to the City and this Chapter makes no reference thereto, then such other Code Chapter or law shall govern; and

WHEREAS, all fees shall be due and payable in full at the time specified in the applicable Code Chapter or State law, and if no such time is provided, fees shall be due and payable upon demand of the City Administrator or other authorized City Officer.

NOW THEREFORE, the City Council of the City of Lanesboro, Minnesota, ordains fees for Services are listed below and shall be as follows:

<u>Type of Fee</u>	<u>Fee Amount</u>
Ambulance	
Base Rate BLS	\$700.00
Base Rate ALS	\$1000.00
Loaded Mile	\$13.00 per mile
Epinephrine and Glucagon	\$350.00
Fire	
Hourly Rate	\$300.00
Park	
Community Center	
Auditorium, Includes use of Kitchen	\$500.00
Non Profit, Includes use of Kitchen	\$250.00
Community Room	\$100.00
Non Profit	\$50.00
Chamber	\$75.00
Non Profit	\$50.00
Kitchen	\$75.00
Non Profit	\$50.00
Gazebo	\$50.00
Non Profit	\$25.00
Key Deposit	\$150.00
Security Deposit	\$150.00
Parks	
Daily Tent Camping	\$20.00
Weekly Tent Camping	\$95.00
Nightly Camper/RV	\$30.00
Weekly Camper/RV	\$155.00
Planning & Zoning	
Variance	\$100.00
Conditional Use Application	\$100.00
Rezoning Application	\$250.00
Subdivision (5 or less)	\$500.00
Subdivision (Each over 5)	\$100.00
Preliminary Plot	\$500.00

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Final Plot	\$500.00
Street Vacation	\$200.00
B & B Initial Application	\$100.00
Home Occupation Application	\$100.00
Sandwich Board Permit -Annual	\$25.00
Building Permits:	
Up to \$500	\$10.00
\$501 - \$3,000	\$20.00
\$3001 - \$10,000	\$50.00
\$10,001 - \$30,000	\$100.00
Over \$30,000	\$200.00
Miscellaneous	
Repairs to Public Streets, Curbs, or Sidewalks due to installation and repairs	\$350.00 in addition to Market Rate per square foot
Golf Cart License – Annual	\$20.00
Chicken Permit - Annual	\$20.00
Lodging License – Annual	\$35.00
Animal License – Annual	\$5.00
Tobacco License – Annual	\$60.00
3.2 Off Sale – Annual	\$10.00
3.2 On-Sale – Annual	\$50.00
Wine License – Annual	\$250.00
On-Sale – Annual	\$1,350.00
Club on Sale – Annual	\$250.00
Off Sale – Annual	\$100.00
Sunday Sale – Annual	\$100.00
Copies	\$.10/page
Fax	\$.25/page
Research Fees	\$20.00/hour
NSF Charge	\$20.00

All fees and charges in effect as of the date of the adoption of the city code for the city shall remain in effect unless otherwise modified by the provisions of this ordinance.

30.12 APPLICATION OF STATE LAWS.

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. ' 471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of this city and their members.

30.13 BACKGROUND INFORMATION.

(A) *Applicants for City employment.*

(1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota=s Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in division (2) below.

(2) *Criminal history employment background investigations.* Pursuant to M.S. 364.021 as it may be amended from time to time, with the exception of the applicants for employment listed in M.S. ' 364.09, the city shall not inquire into or consider the criminal record or history of an applicant for public employment until the applicant has been selected for an interview by the city or, if there is not an interview, before a conditional offer of employment is made to the applicant.

The City Police Department or County Sheriff=s Department is hereby required, as the exclusive entity within the City to do a criminal history background investigation on the applicants for the following positions within the city, unless the city=s hiring authority concludes that a background investigation is not needed:

(a) Employment positions. All regular part-time or full-time employees of the City and other positions that work with children or vulnerable adults.

(b) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or County Sheriff=s Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department or County Sheriff=s Department to the hiring authority, including the City Council, the City Clerk or other city staff involved in the hiring process.

(3) Before the investigation is undertaken, the applicant must authorize the Police Department or County Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 364.09, the city will not reject an applicant for employment on the basis of the applicant=s prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant=s request on this basis, the City shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial.

- (b) The applicant complaint and grievance procedure set forth in M.S. ' 364.06.
- (c) The earliest date the applicant may reapply for employment.
- (d) That all competent evidence of rehabilitation will be considered upon reapplication.

(B) *Applicants for City licenses.*

(1) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota=s Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

(2) Criminal history license background investigations. The Police Department or County Sheriff=s Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants and their employees for the following licenses or permits within the city:

City Licenses: Liquor Licenses, under Chapter 112 of this code, and any applicants under Chapters 113, 114, 116, 118, or 119 of this code.

(3) In conducting the criminal history background investigation in order to screen license or permit applicants, the Police Department or Sheriff Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or Sheriff=s Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Clerk or other City staff involved in the license approval process.

(4) Before the investigation is undertaken, the applicant must authorize the Police Department or Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 as it may be amended from time to time regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 364.09 as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant=s prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant=s request on this basis, the City shall notify the applicant in writing of the following:

- (a) The grounds and reasons for the denial.
- (b) The applicant complaint and grievance procedure set forth in M.S. '

364.06.

(c) The earliest date the applicant may reapply for the license.

(d) That all competent evidence of rehabilitation will be considered upon reapplication.