

TITLE 1

ADMINISTRATION

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CHAPTER 1

OFFICIAL CITY CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
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- 1-1-4: Numbering
- 1-1-5: Copies
- 1-1-6: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of Sartell. This City Code of ordinances shall be known and cited as the *SARTELL CITY CODE* and is hereby published by authority of the Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1997 Code)

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1997 Code)

1-1-3: **AMENDMENTS:**

A. Amendments: New ordinances proposing amendments or additions to the Code shall be assigned appropriate code numbers and shall be incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments or additions. (1981 Code § 100.01)

B. Codification Of Amendments: All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1997 Code)

C. Integration Of Ordinance:

1. Permitted Omissions: When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions or terms identical to those contained in this Code, the clause indicating date of adoption and validating signatures and dates.

2. Corrections: In integrating ordinances into the Code, the Clerk-Treasurer, in cooperation with the City Attorney, or City Administrator may correct obvious grammatical, punctuation and spelling errors; change reference numbers to conform with sections, articles and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to ensure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted. (1981 Code § 100.01)

1-1-4: **NUMBERING:** Each section number of this Code consists of three (3) component parts separated by dashes. The first number refers to the title, the second refers to the chapter and the third refers to the

section. If a chapter contains articles, the articles are given letter designations in alphabetical order and the chapter number is followed by the corresponding letter of the alphabet. (1981 Code § 100.01; 1997 Code)

1-1-5: **COPIES:** Copies of this Code shall be kept in the office of the Clerk-Treasurer for public inspection or sale for a reasonable charge. (1981 Code § 100.01)

1-1-6: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk-Treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk-Treasurer. Any person having custody of a copy of the City Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the Clerk-Treasurer. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk-Treasurer when directed so to do by order of the City Council. (1997 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Existing Rights And Liabilities
- 1-2-3: Public Ways And Public Utility Ordinances
- 1-2-4: Court Proceedings
- 1-2-5: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1997 Code)

1-2-2: **EXISTING RIGHTS AND LIABILITIES:** The repeal of prior ordinances and adoption of this Code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this Code. Insofar as provisions in this Code are substantially the same as preexisting ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done, offense committed or right accruing, or liability, penalty, forfeiture or punishment incurred or assessed prior to the effective date of this Code is not affected by the enactment of this Code. (1981 Code § 100.04)

1-2-3 **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of Section 1-2-1, excepting as the City Code may contain provisions for such matters, in which case, this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1997 Code)

1-2-4: **COURT PROCEEDINGS:**

- A. No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, and applied to any judgment announced after the new ordinance takes effect.
- B. This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force

at the time of the adoption of this City Code. (1997 Code)

1-2-5: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1997 Code)

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Statutory Rules Adopted
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **STATUTORY RULES ADOPTED:** The definitions and rules of construction, presumptions and miscellaneous provisions pertaining to construction contained in Minnesota Statutes Chapter 645, are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code and references to the legislature mean the City Council. (1981 Code § 100.03)

1-3-2: **DEFINITIONS, GENERAL:** Unless the context clearly indicates otherwise, the following words and phrases shall have the meaning given them in this Section:

- ADMINISTRATOR: The City Administrator of the City of Sartell, Minnesota.
- AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.
- CITY: The City of Sartell, State of Minnesota.
- CLERK-TREASURER: The City Clerk-Treasurer.
- CODE: The Municipal Code of the City of Sartell.
- COUNCIL: The City Council of the City of Sartell.
- COUNTY: The Counties of Stearns and Benton, State of Minnesota.
- EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City of Sartell".
- FEE: A sum of money charged by the City for the carrying on of a business, profession or occupation.
- GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
- LICENSE: The permission granted for the carrying on of a business, profession or occupation.
- NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
- OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE:	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS:	Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City of Sartell".
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations, the term includes the officers, agents or employees.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effect, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The State of Minnesota.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
WHOLESALER:	The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.
WRITTEN, IN WRITING:	May include printing and any other mode of representing words and and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (1981 Code § 100.02; 1997 Code)

1-3-3: **CATCHLINES:** The catchlines of the several sections of the City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1997 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Separate Violations
- 1-4-4: Liability Of City Personnel

1-4-1: **GENERAL PENALTY (1):**

- A. Petty Offenses: Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provisions shall, upon conviction, be subject to a fine of not more than two hundred dollars (\$200.00). (1981 Code § 100.06; Ord. 88-1, 1-25-1988; 1997 Code)
- B. Misdemeanors: In any other case, unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this Code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than seven hundred dollars (\$700.00) or imprisonment for a term not to exceed ninety (90) days, or both, plus, in either case, the costs of prosecution. (1981 Code § 100.06; 1997 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

- A. The penalty provided in this Chapter shall be applicable to every section of this City Code the same as though it were a part of each and every separate section.
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this City Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1997 Code)

1-4-3: **SEPARATE VIOLATIONS:** Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense. (1981 Code § 100.06)

1-4-4: **LIABILITY OF CITY PERSONNEL:** The failure of any officer or employee of the City to perform any official duty imposed by this Code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure. (1981 Code § 100.08)

1. M.S.A. §§ 412.231 and 609.02.

CHAPTER 5

MAYOR AND CITY COUNCIL

SECTION:

- 1-5-1: Composition
- 1-5-2: Election; Term
- 1-5-3: Compensation
- 1-5-4: Meetings
- 1-5-5: Ordinances; Resolutions
- 1-5-6: Motions; Petitions; Communications
- 1-5-7: Committees
- 1-5-8: Suspension Or Amendment Of Rules

1-5-1: **COMPOSITION:** There are four (4) Council members and one (1) Mayor who shall be called the Council. (1981 Code § 201.01)

1-5-2: **ELECTION; TERM:** The Council members and Mayor shall be elected by the citizens of Sartell. The terms for the Council shall be four (4) year overlapping terms. The elections shall be held on general election day every other year. (1981 Code § 201.11)

1-5-3: **COMPENSATION:** The salary of the Mayor shall be four hundred twenty five dollars (\$425.00) per month beginning January 1, 2003, and five hundred dollars per month beginning January 1, 2004. The salary of each City Council member shall be two hundred sixty six dollars and sixty-seven cents (\$266.67) per month beginning January 1, 2003, and three hundred thirty three dollars and thirty-four cents (\$333.34) per month beginning January 1, 2004. Additional compensation of thirty five dollars (\$35.00) per partial day (not more than four (4) hours cumulatively) and sixty dollars (\$60.00) per full day four (4) hours or more cumulatively shall be paid to the Mayor and City Council members for special meetings of the council and such other meetings or educational opportunities that are approved by the City Council. (11-1-02, ord. 02-14)

1-5-4: **MEETINGS:**

A, Regular: Regular meetings of the Council shall be held on the second and fourth Mondays of each calendar month at seven o'clock (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, unless otherwise specified.

B. Special: The Mayor or any two (2) members of the Council may call a special meeting of the Council upon at least twenty four (24) hours' written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at such member's usual place of residence with some responsible person. Similar notice shall be given to the official newspaper and other media that have requested notice and posted at the City Hall, U.S. Post Office and other Council-designated places. (1981 Code § 201.01; 1997 Code)

C. Initial Meeting: On the first regular business day in January of each year the Council shall:

1. Designate the depositories of the 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 such officers and employees and such members of boards, commissions and committees as may be necessary.

D. Public Meetings: All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be open to the public. (1981 Code § 201.01)

E. Presiding Officer:

1. Order Of Succession:

a. Mayor: The Mayor shall preside at all meetings of the Council.

b. Acting Mayor: In the absence of the Mayor, the Acting Mayor shall preside.

c. Temporary Presiding Officer: In the absence of both, the Clerk-Treasurer shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their members to act temporarily as Presiding Officer.

2. Rules Of Order; Enforcement: The Presiding Officer shall preserve order, enforce the rules 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.

3. Appeal From Ruling Of Presiding Officer: 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 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.

4. Rights Of Presiding Officer: The Presiding Officer may make motions, second motions or speak on any question, except that on demand of any Councilmember, the Presiding Officer shall vacate the chair and designate a Councilmember to preside temporarily. (1981 Code § 201.02)

F. Minutes:

1. Duty Of Clerk-Treasurer:

a. Minutes Of Meetings: Minutes of each Council meeting shall be kept by the Clerk-Treasurer or, in Clerk-Treasurer's absence, by the Deputy Clerk. In the absence of both, the Presiding Officer shall appoint a secretary pro tem.

b. Ordinances, Resolutions And Claims: Ordinances, resolutions and claims need not be recorded in the full minutes if they appear in other permanent records of the Clerk-Treasurer and can be accurately identified from the description given in the minutes.

2. Approval: The minutes of each Council meeting shall be reduced to typewritten form, shall be signed by the Clerk-Treasurer and copies thereof 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. (1981 Code § 201.03)

G. Order Of Business:

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

- a. Call to order.
- b. Roll call.
- c. Approval of agenda.
- d. Approval of minutes.
- e. Public hearings.
- f. Petitions, requests and communications.
- g. Ordinances and resolutions.
- h. Reports of officers, boards and committees.
- i. Unfinished business.
- j. New business.
- k. Miscellaneous.
- l. Adjournment.

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.

3. Agenda: An agenda of business of each regular Council meeting shall be prepared and filed in the office of the Clerk-Treasurer not later than two (2) days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Councilmember 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 majority vote of the Council members present. (1981 Code § 201.04)

H. Quorum; Voting:

1. Quorum: 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.

2. Nonattendance Of Meetings: The Council may punish nonattendance by a fine not exceeding ten dollars (\$10.00) for each absence from any meeting unless a reasonable excuse is offered.

3. Voting:

a. Tie Votes: Tie votes of the members on any question may be taken in any manner, which signifies the intention of the individual members.

b. Recorded In Minutes: The votes of the members on any action taken shall be recorded in the minutes. The vote of each member, by name, shall be recorded on each appropriation of money, except for payments of judgment, claims and amounts fixed by statute.

c. Abstention From Voting: If any member is present but does not vote, the minutes, as to such Council member's name, shall be marked "present - not voting".

d. 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. (1981 Code § 201.05)

1-5-5: ORDINANCES; RESOLUTIONS:

- A. Readings: Every proposed ordinance and resolution shall be presented in writing. Every ordinance shall receive an opportunity for a reading before the Council prior to final adoption. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.
- B. Signing; Proof Of Publication: Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Clerk-Treasurer and filed by the Clerk-Treasurer in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance. (1981 Code § 201.06)
- C. Repeals; 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 being amended or repealed, and the proposed ordinances or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment. (1981 Code § 201.06; 1997 Code)

1-5-6: MOTIONS; PETITIONS; COMMUNICATIONS:

- A. Motions: 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.
- B. Petitions; Communications: 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.
- C. Recording In Minutes: Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the Clerk-Treasurer. (1981 Code § 201.06)

1-5-7: COMMITTEES:

- A. Creation; Duties: The Council may create such committees, standing or special, as it deems necessary. Committees shall consist of as many members and perform such duties, as the Council may require.
- B. Membership: Each committee shall consist of three (3) members of the Council.
- C. Chairperson: The chairperson of each committee shall be designated by the Mayor.
- D. Term: Each committee member shall serve as appointed unless excused by a majority of the members of the Council.
- E. Meetings: If the committee does not provide otherwise, committee meetings shall be held at the call of the chairman.
- F. Notice Of Meetings: The same notice shall be given of committee meetings as for special meetings of the Council, except that personal notice need not be given each member if the committee so decides.
- G. Referral By Council: Any matter brought before the Council for consideration may be referred by the Presiding Officer to the appropriate committee or to a special committee appointed by him for a written report and recommendation before it is considered by the Council as a whole.

- H. Reports: Each committee report shall be signed by a majority of the members and shall be filed with the Clerk-Treasurer four (4) days prior to the Council meeting at which it is to be submitted. Minority reports may be submitted.
 - I. Timely And Faithful Action: Each committee shall act promptly and faithfully on any matter referred to it. (1981 Code § 201.07)
- 1-5-8: **SUSPENSION OR AMENDMENT OF RULES:** The rules contained in this Chapter may be suspended only by a two-thirds (2/3) vote of the members present and voting. (1981 Code § 201.08)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

SECTION:

1-6-1: Personnel Policy

1-6-1: **PERSONNEL POLICY:** It is the purpose of this Section to establish a uniform and equitable system of personnel administration for employees of the City. Copies of the personnel policy, as amended from time to time by resolution of the Council, are on file in the office of the Clerk-Treasurer. (1981 Code § 109.01; 1997 Code)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

ARTICLE A. CITY ADMINISTRATOR

SECTION:

- 1-6A-1: Position Established; Appointment
- 1-6A-2: Education; Experience
- 1-6A-3: Knowledge, Skills And Abilities Required
- 1-6A-4: Duties

1-6A-1: **POSITION ESTABLISHED; APPOINTMENT:**

- A. The position of City Administrator is hereby established for the City. (1981 Code § 202.01)
- B. The Administrator is appointed by a majority of the Council for an indefinite term with removal only by a majority of the Council in accordance with Section 1-6-1 of this Code. (1981 Code § 202.05)

1-6A-2: **EDUCATION; EXPERIENCE:** A degree in public administration or its equivalent and/or substantial experience in municipal administration is required. (1981 Code § 202.04; 1997 Code)

1-6A-3: **KNOWLEDGE, SKILLS AND ABILITIES REQUIRED:** The Administrator shall have the following knowledge, skills and abilities: (1997 Code)

- A. Administrative Requirements: Considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper Municipal operation.
- B. Law: To have the knowledge of or ability to acquire full knowledge of all laws affecting the Municipality.
- C. Relations: Ability to provide harmonious relations with Municipal employees and general public.
- D. Studies: Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organization. (1981 Code § 202.03)

1-6A-4: **DUTIES:** The City Administrator shall:

- A. Municipal Affairs: Direct the administration of the City as provided by Council action, State and Federal statutes and coordinate with the Council in administrative Municipal affairs.
- B. Reports And Summaries: Prepare reports and summaries relating to contemplated Municipal projects and/or improvements and submit them with recommendations as may be required to the Council for study and subsequent action.
- C. Budget; Capital Improvement Plan: Prepare an annual fiscal budget and capital improvement plan for submission to the Council. Maintain financial guidelines for the Municipality within the scope of the approved budget and capital program.
- D. Meetings: Attend and participate in all Council meetings. Attend other committee and commission meetings by invitation or as otherwise deemed necessary.
- E. Programs And Activities: Coordinate Municipal programs and activities as authorized by the Council.
- F. Municipal Personnel: Supervise the activities of all Municipal department heads and the administrative staff in the administration of Municipal policy with authority to effectively recommend their employment and removal.
- G. Attorney And Engineer And/Or Public Works Director: Work in cooperation with the Council's

appointed Attorney and Engineer and/or Public Works Director.

- H. Public Relations: Prepare news releases, develop and discuss public relations material with all concerned as required. Maintain good public relations with the general public.
- I. Consultation: Consult with appointed officials and with other public or private agencies as may be required.
- J. Governmental Programs: Be fully informed regarding Federal, State and County programs which affect the Municipality.
- K. Employee Labor Contracts: Negotiate and delegate the negotiation of the terms and conditions of employee labor contracts for presentation to the Council.
- L. Other Duties: Perform all other duties required of such Administrator by ordinances or resolutions adopted by the Council. (1981 Code § 202.02)

CHAPTER 6

CITY OFFICERS AND EMPLOYEES

ARTICLE B. CITY CLERK-TREASURER

SECTION:

1-6B-1: Position Established
1-6B-2: Duties

1-6B-1: **POSITION ESTABLISHED:** The position of City Clerk-Treasurer is hereby established for the City. (1981 Code§ 203.01)

1-6B-2: **DUTIES:**

A. **Statutory Duties:** The duties of the Clerk-Treasurer of the Municipality shall include the duties of the Clerk and the duties of the Treasurer as defined by Minnesota Statutes sections 412.141 and 412.151.

B. **Other Duties:** The Clerk-Treasurer shall perform the following:

1. **Financial Statements:** Prepare the annual financial statement as required by Minnesota Statutes sections 471.695 through 471.699.
2. **Meetings:** Attend and participate in all Council meetings.
3. **Reports:** Submit monthly reports to the Council on the financial condition of the Municipal funds.
4. **Ordinances And Resolutions:** Perform all duties required by ordinances or resolutions adopted by the Council. (1981 Code § 203.02)

CHAPTER 7

PUBLIC HEARINGS

SECTION:

1-7-1: Conduct Of Hearing
1-7-2: Notice
1-7-3: Evidence, Rules And Records

- 1-7-4: Summary Of Findings And Decisions
- 1-7-5: Criminal History Background

1-7-1: **CONDUCT OF HEARING:** 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 Chapter. (1981 Code § 100.05)

1-7-2: **NOTICE:** Every hearing shall be preceded by ten (10) days' mailed notice to all persons entitled thereto 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. (1981 Code § 100.05)

1-7-3: **EVIDENCE, RULES AND RECORDS:** 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. (1981 Code § 100.05)

1-7-4: **SUMMARY OF FINDINGS AND DECISIONS:** Upon the disposition of any matter after hearing, the Council shall have the Clerk-Treasurer prepare a written summary of its findings and decisions and enter the summary in the official Council minutes. (1981 Code § 100.05)

1-7-5: **CRIMINAL HISTORY BACKGROUND:** The Police Department is authorized to do a criminal history background investigation on applications for City employment. Before the investigation is undertaken, the applicant must authorize the Police Department in writing to undertake the investigation and to release the information to the City Council, City Administrator, and other City staff as appropriate. Should the City reject the applicant's request for employment due, partially or solely, to the applicant's prior conviction of a crime, the City Administrator shall notify the applicant in writing of the following:

- a. The grounds and reasons for the denial;
- b. The applicable complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
- c. The earliest date the applicant may reapply for employment; and
- d. That all competent evidence of rehabilitation will be considered upon reapplication.