

Section

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CITY COUNCIL

31.01 MEETINGS.

(A) AUTHORITY. City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.

(1) Parliamentary procedure. Except as specifically provided under statute or these parts, the most current revision of Roberts Rules of Order Revised governs any question of parliamentary procedure that arises at a city meetings.

(B) PURPOSE. The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among councilmembers, city staff, and citizens to promote the efficient working of the public's business at city council meetings.

(CA) Regular meetings. Except as provided herein, regular meetings shall be held at City Hall

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beginning at 7:00 p.m. on the first and third Tuesdays of each month. The City Council may cancel

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regular Council meetings by adopting the appropriate motion at any duly called Council meeting. The City Council may change the date, time, and/or place of a regular meeting by adopting the appropriate motion at any duly called Council meeting and by posting a written notice of the date, time, and place of the rescheduled meeting on the city bulletin board and at the main entrance to the City Hall at least 3 days before the date of the rescheduled regular meeting.

(1) Quorum. A simple majority (3) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

(2) Location. All meetings, including special, recessed, closed and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.

(3) A schedule of regular meetings shall be kept on file with the city clerk.

(4) Recessed or continued meetings. When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.

(D) The open meeting law, The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.

1. This presumption of openness serves three basic purposes:

(a). To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.

(b). To ensure the public's right to be informed.

(c). To afford the public an opportunity to present its views to the public body.

2. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.

3. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).

4. In keeping with the intent of the Minnesota Open Meeting Law, city councilmembers shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.

5. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the

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public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

(EB) *Special meetings.* Special meetings may be called by the Mayor or by any 2 Council Members filing a written notice with the City Administrator. At least 3 days prior to the date of the special meeting, the City Administrator shall mail notice to all members of the City Council, shall mail notice to each person who has filed a written request for notice of special meetings, and shall post the notice on the city bulletin board and at the main entrance to City Hall. The notice shall indicate the date, time, place, and purpose of the special meeting. If matters not directly related to the purpose of the special meeting are discussed or acted upon at the special meeting, the minutes of the special meeting shall include a specific description of the matters. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.

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(1) Closed meetings. The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.

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(FC) *Emergency meetings.* An emergency meeting is a special meeting called by the Mayor or any 2 Council Members because of circumstances that in the judgment of the Mayor or any 2 Council Members require immediate consideration by the City Council. The person or persons who call the emergency meeting shall make a good faith effort to contact all Council Members and, as soon as reasonably practicable after notice has been given to Council Members, all members of the news media who have filed a written request for notice of emergency meetings if the request includes the news media's telephone number. The notice shall include the date, time, place, and purpose of the emergency meeting. If matters not directly related to the emergency meeting are discussed at an emergency meeting, the minutes of the emergency meeting shall include a specific description of the matters.

(GD) *Business conducted at special or emergency meetings.* No business shall be transacted at special or emergency meetings unless the business shall have been specified, in the notice, without the consent of all of the members of the Council present. Any member present at any special or emergency meeting who fails to object and have their objections entered in the minutes of the special or emergency meeting will be conclusively presumed to have consented to the transaction of all business transacted at the special or emergency meeting and no objection may thereafter be raised by a Council Member that the notice of the special or emergency meeting was defective.

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

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1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
4. Review council's bylaws and make any needed changes.
5. Assign committee duties to members. All assignments of councilmembers to serve on city boards, commissions, and committees shall be by a majority vote of councilmembers present at the meeting, unless otherwise provided by law.

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6. Approve official bonds that have been filed with the clerk.

~~(1) Designate the depositories of city funds;~~

~~(2) Designate the official newspaper;~~

~~(3) Choose 1 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 the officers, employees, and members of boards, commissions, and committees as may be necessary; and/or~~

~~(5) Establish and appoint Council Members to Council committees as are deemed appropriate for the efficient and orderly management of the city.~~

(IE) Public meetings. All Council meetings, including special and adjourned meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law. (1997 Code, ' 200.01)

(JG) Ground rules. Each Council Member shall abide by the following ground rules for interaction with each other and with members of the public at Council meetings.

All councilmembers shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting. City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

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(1) *Respect others.* Council Members should:

- (a) Respect each other and the process;
- (b) Assume each Council Member is being honest and genuine in the expression of his or her views;
- (c) Not shame or blame others;
- (d) Not talk about people who are not present; and
- (e) Respect residents of the city and city staff.

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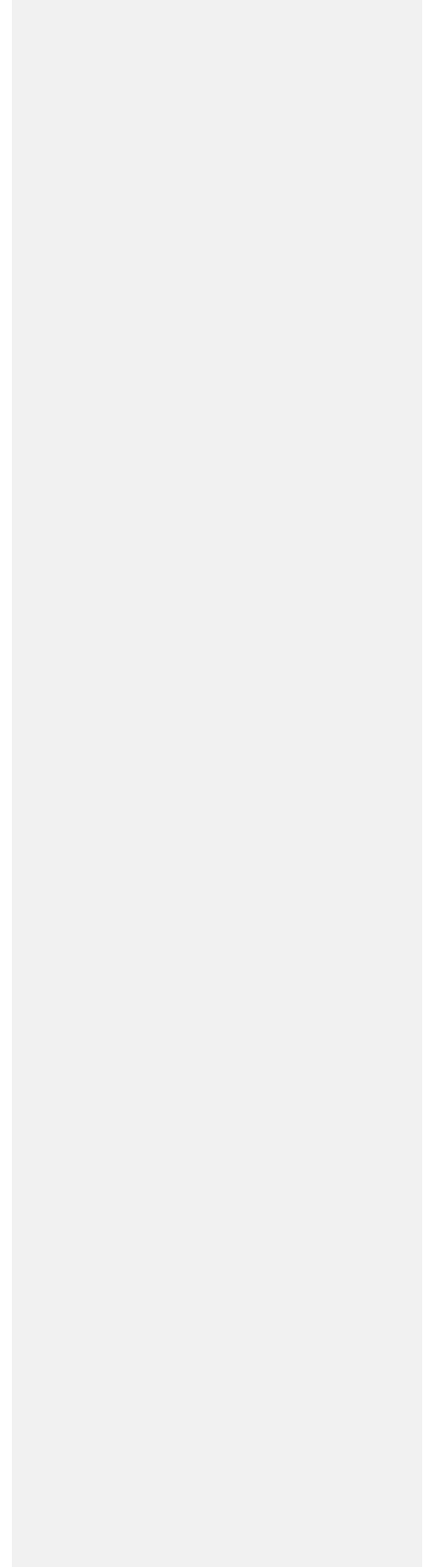
(2) *Listen.* Council Members should:

- (a) Not interrupt while others are speaking;
- (b) Ask clarifying not interrogating questions;
- (c) Use "I" statements not "You" statements;
- (d) Discuss and debate ideas in a civil manner;
- (e) Be respectful of the ideas of others even if they don't agree with your ideas; and
- (f) Keep side conversations to a minimum.

(3) *Accountability.* Council Members should:

(a) Participate to the best of their ability;

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- (b) Be responsible for making sure all voices are heard;
- (c) Be accountable for what they do and say;
- (d) Hold each other accountable in a civil way;
- (e) Be responsible for their part of a problem or issue;
- (f) Be accountable for the use of information by not misusing information or by providing incorrect information;
and
(~~h~~) Be responsible for reviewing agenda items and support information.

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(4) To effectuate these aspirational goals, city council members shall conduct themselves at council meetings in a manner consistent with the following:

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(a) No councilmember shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.

(b) No councilmember shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.

(c) No councilmember shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.

(d) No councilmember shall speak on any subject other than the subject in debate.

(e) No councilmember shall speak without being recognized by the chair; nor shall any councilmember interrupt the speech of another councilmember.

(f) No councilmember shall disobey the City Council Rules of Order and Procedure as adopted or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.

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(g) No councilmember shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

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(h) No councilmember shall engage in conduct which delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.

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(54) Take risks. Council Members should:

- (a) Take risks, be authentic and speak truthfully; and
- (b) Not be hostile or harassing toward others for taking risks.

(65) Be open. Council Members should:

- (a) Be open to other's stories and realities;

- (b) Be open to partially-formed ideas;
- (c) Learn from mistakes;
- (d) Be open to a change of heart and mind; and
- (e) Not operate from fear.

(76) *Personal reaction.* Council Members should not take things personally, and focus on the ideas being expressed, not the person expressing the ideas.
 (Ord. 97-201, passed 11-20-2007)

31.02 PRESIDING OFFICER.

Presiding Officer, The mayor shall preside at all meetings of the city council.

A. Role of the presiding officer, The presiding officer shall preserve order, enforce the City Council Rules of Order and Procedure as adopted, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in 31.02(f). The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. Except as otherwise provided by statute or by the provisions of this subchapter, the proceedings of the Council shall be conducted in accordance with the latest edition of *Roberts Rules of Order*.

B. Adjourning meetings, If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.

C. Designation of a sergeant-at-arms, The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.

D. Motions and voting, The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.

E. Absences of the presiding officer, In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the councilmembers present choose a member to act as presiding officer.

F. Appeals of rulings of the presiding officer, Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.

1. Procedure for appeals, An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.

2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.

3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

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G. Temporary designation of a presiding officer. The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.

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(A) *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 Council Members present at the meeting choose 1 of their members to act temporarily as presiding officer.

~~(B) Procedure. The presiding officer shall preserve order, enforce the rules of procedure adopted by the City Council, and determine without debate, subject to the formal decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by the provisions of this subchapter, the proceedings of the Council shall be conducted in accordance with the latest edition of Robert's Rules of Order.~~

~~(C) Appeal procedure. Any Council Member may appeal to the 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. If there is a tie vote on the appeal, the original ruling of the presiding officer shall stand. (1997 Code, § 200.01) (Am. Ord. 97-201, passed 11-20-2007)~~

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31.03 MINUTES.

Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.

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(A) The minutes shall contain at minimum:

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1. The city councilmembers who are present.
2. Type of meeting (regular, special, continued, emergency).
3. Date and place the meeting was held.
4. Time the meeting was called to order.
5. Approval of minutes of the previous meeting, with any corrections.
6. The members who make or second motions.
7. Roll call vote on motions.
8. Subject matter of proposed resolutions or ordinances.
9. Whether the resolutions or ordinances are defeated or adopted.
10. The votes of each member, including the mayor.
11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.

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13. Approval of hourly rates paid for services provided, mileage rates, meal- reimbursement amounts, and per diem amounts.

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14. List of all transfers of funds.

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15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.

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16. Approval of minutes of the previous meeting, with any corrections.

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17. Identity of parties to whom contracts were awarded.

18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.

19. Appointments of representatives to committees or outside organizations.

20. Name and brief summary of subject matter of citizens appearing before council during public comment period.

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(B) The minutes of each meeting shall be typed and signed by the clerk/administrator. Copies of the minutes shall be included in the agenda for the next council meeting.

(C) At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.

1. The meeting minutes do not need to be read aloud.

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2. The presiding officer shall call for any corrections.

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3. If there is no objection to a correction; it will be made without a vote of the council.

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3. If there is an objection, the council shall vote upon the addition or correction by roll call vote.

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4. Council shall take formal action by vote to approve the minutes as distributed or as amended.

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5. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

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~~(A) Recording. Minutes of each Council meeting shall be kept by the Clerk or, at the direction of the Clerk, by the Deputy Clerk. In the absence of both, the presiding officer shall appoint a temporary recording secretary. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk and can be accurately identified from the description given in the minutes.~~

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~~(B) Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk, and copies shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular Council meeting following the 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. (1997 Code, § 200.01)~~

• **31.04 ORDER OF BUSINESS AT REGULAR MEETINGS.**

(A) ~~(A) Order established.~~ Each meeting of the City Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the order determined by the City Council at its first annual meeting or as thereafter amended by the majority vote of the City Council.

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(D) Order of business. Standard order of business shall be the following.

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- A. Call to Order/Pledge of Allegiance
- B. Approval of Agenda
- C. Approval of Minutes
- D. Presentations
- E. Consent Agenda
- F. Regular Agenda
- G. Public Comments
- H. Council Reports
- I. Staff Reports
- J. Adjourn

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~~(B) Petitions and agenda. Petitions and other papers addressed to the Council shall be assembled by the Clerk and read by the presiding officer upon presentation to the Council. All persons desiring to present new business before the Council shall inform the Clerk at least 3 working days before the new business is to be heard. The Clerk may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.~~

(B) AGENDA

An agenda will be prepared for all regular council meetings by the city clerk/administrator. Agenda items may be placed by city councilmembers and city staff. Members of the public wishing to place items on the agenda shall be directed to the public comment forum provided at the council meeting. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

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1 All requests to place an item on the agenda must be received by the city clerk/administrator by 10 a.m. 5 days prior to the next council meeting.

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2 All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.

3 All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.

4 The agenda, along with information materials, will be mailed or delivered to all city councilmembers and the city attorney at least 3 days prior to the next council meeting.

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~~(C) Public inquiries. The public, at the first meeting of every month, may bring a subject of concern to the attention of the City Council.~~

~~(C) Consent Agenda. A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.~~

~~(1) Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.~~

~~(2) An item on the consent agenda may be removed from consideration by the request of any one councilmember. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.~~

(D) Presentation, discussion and agenda item decisions. The following is the order of business for presenting and discussing items on City Council agendas:

(1) Introduction of item;

(2) Report by staff or other presenter;

(3) Questions from City Council Members to the presenter in a round robin manner. The Mayor will facilitate the round robin process by asking each individual Council Member for 1 question and allowing for a response to the individual question. Then the Mayor will ask the next Council Member, in sequence, until all Council Members have asked and received responses to a question. No Council Member shall take more than 3 minutes to ask a question or comment on an item which is being presented before another Council Member has a turn to question and comment on the same item;

(4) Receive questions/comments from the applicant/requesting party to the City Council, and allow each Council Member to respond in the round robin process;

(5) Allow questions from City Council Members to the applicant/requesting party, if applicable, using the round robin process;

(6) Public Comments: Allow questions/comments from the public to City Council Members. Each member of the public shall state his or her comments in 3 minutes;

(7) At the conclusion of the round robin process, the Mayor calls for a motion. This is to get a motion on the table for discussion. This action is not an indication that the motion on the table is the motion that will be approved in its current form. It is purely for discussion purposes;

(8) Discussion among Council Members using the round robin process;

(9) Action by the City Council on the motion.

(1997 Code, ' 200.01) (Am. Ord. 97-201, passed 11-20-2007)

(E) MEETING SCHEDULE.

1. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.

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2. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.

3. The last item on the agenda will be commenced no later than 12 p.m.

4. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions adopted.

(F) Public participation and comment at council meetings.

City council meetings are the forum for the city council to conduct the city's business. While city council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.

(G) Members of the public shall follow the direction of the presiding officer. Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room. If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

(H) Public comment period. A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.

2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.

3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.

4. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet will be available at the start of the city council meeting.

5. Speakers must direct their remarks toward the presiding officer.

6. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.

7. Speakers are required to follow the direction of the presiding officer.

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8. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.

9. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally the matter will be referred to staff for further research and possible report or action at a future council meeting.

(I) PUBLIC HEARINGS. Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

(1) General procedure for public hearings. The order of business for all public hearings conducted by council shall be:

(a).Opening comments by presiding officer announcing the purpose of the public hearing.

(b).Presiding officer opens the public hearing portion of the meeting.

(c). Staff presentation (including clerk/administrator, attorney, engineering reports if any).

(d).Developer/other presentation (if any).

(e) Public comments (3 minutes).

(f) Reading or summaries of written comments..

(g) Presiding officer formally closes the public hearing portion of the meeting.

(2) Speakers who wish to address the city council at a public hearing must follow the same rules in 31.04(H)(1-9). However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

(3) Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud in summary, by the presiding officer or his or her designee as provided in 31.04(I)(1)(e)

(4) . Anonymous, unsigned communications will not be read.

(5) The presiding officer may continue the hearing, if necessary, following the procedures in 31.01(C)(4).

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31.05 VOTING.

A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.

B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.

C. Councilmembers may ask for a roll call of the vote by the clerk/administrator on any motion or resolution.

D. The clerk/administrator may ask for a verification roll call if the vote of a councilmember is not clear on the voice vote.

E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.

F. Whenever a matter is put forward for a vote, every councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

~~(A) The votes of the members on any question may be taken in any manner that signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes.~~

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(CB) If any member is present but does not vote, the minutes, as to his or her name, shall be marked "Present-Not Voting."
(1997 Code, ' 200.01)

• **31.06 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, PROCLAMATIONS, AND COMMUNICATIONS.**

(A) *Signing and publication proof.* Every ordinance and resolution passed by the Council shall be in writing and signed by the Mayor, attested by the Clerk, and filed by the Clerk in the ordinance or resolution book. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of councilmembers present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting Proof of publication of every ordinance shall be attached and filed with the ordinance.

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(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision 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 shall set forth in full each amended section or subdivision as it will read with the amendment.
(1997 Code, ' 200.01)

(C) MAYORAL AND CITY PROCLAMATIONS. Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of councilmembers present at the meeting where such proclamation is presented for adoption.

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(D) SEATING ASSIGNMENTS. Councilmembers shall occupy the chairs assigned to them by the presiding officer, but two councilmembers may exchange seats by joining in a formal request to the presiding officer.

(E) _____

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• **31.07 SUSPENSION OR AMENDMENT OF RULES.**

(A) _____ The rules of procedure applicable to City Council meetings may be suspended or amended by 2/3 vote of the Council Members present and voting, provided that such action is not in violation of state statutes. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

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(1997 Code, ' 200.01) (Am. Ord. 97-201, passed 11-20-2007)

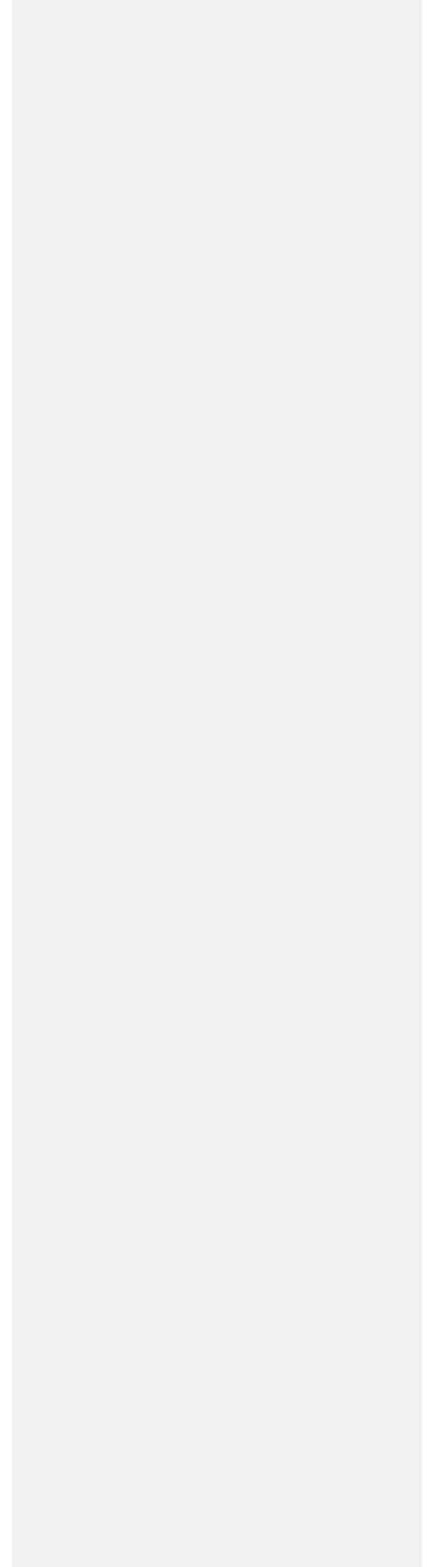
• **31.08 SALARIES OF MAYOR AND COUNCIL MEMBERS.**

The Mayor and Council Members shall be paid salaries as determined from time to time by the City Council by City Council ordinance. An ordinance establishing Council salaries shall be adopted before a regular city election and shall not be effective until January 1 following such election.
(1997 Code, ' 200.01)

' 31.09 PAYMENT OF SALARIES.

The salaries provided by ' ' 31.01 *et seq.* shall be paid semi-annually, or more frequently, as directed by the Council.
(1997 Code, ' 200.01)

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31.10 COUNCIL TO ACT AS BOARD OF ADJUSTMENT AND APPEALS.

(A) *Establishment of Board of Adjustment and Appeals.* The Council is established as the Board of Adjustment and Appeals. The Board of Adjustment and Appeals shall have the following powers with respect to this section:

(1) The exclusive power to hear and decide appeals where it is alleged that there is an error in any decision, order, requirement, or determination made by an administrative officer in the enforcement of the zoning code; and

(2) The appeal shall be filed within 5 business days from the date that the decision, order, requirement, or determination is made and shall state:

(a) The particular decision, order, requirement, or determination from which the appeal is taken;

(b) The name and address of the appellant;

(c) The grounds for the appeal; and

(d) The relief requested by the appellant.

(B) *Effect of appeal.* An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment and Appeals, to whom the appeal is taken, certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

(C) *Authority of the Board of Adjustment and Appeals.* The Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken, and may direct the issuance of a permit.

(D) *Hearing procedures.*

(1) The Zoning Administrator shall, upon the filing of a notice of appeal, refer the matter to the Board of Adjustment and Appeals and establish a time for the hearing of the matter by the Board.

(2) The Zoning Administrator shall notify the appellant or applicant, the Chairperson of the Planning Commission, the Building Official, the abutting property owners, and in the case of an appeal the officer from whom the appeal is taken, of the time and place of the hearing. The notice shall be in writing and shall be served on the person by mail, provided the notice shall be mailed at least 10 days preceding the date of the hearing.

(E) *Record of findings.*

(1) The Board of Adjustment and Appeals shall make written findings in any case of an appeal and shall state in the findings the reasons for its decision. The order issued by the Board of Adjustment and Appeals shall include the legal description of the land involved. Any order shall be filed with the Zoning Administrator who shall immediately mail a copy of the order, bearing the notation of the filing date, to the appellant or applicant.

(2) A certified copy of any order issued by the Board of Adjustment and Appeals acting upon any appeal from a decision, order, requirement, or determination of an administrative officer, may be filed with the County Recorder or Registrar of Titles for recording. The filing may be made by the Zoning Administrator as soon as is reasonably possible after the filing of the order with the Zoning Administrator.

(F) *Decision; appeals.* All decisions of the Board of Adjustment and Appeals acting upon an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final, except that any aggrieved person may have any decision or order of the Board reviewed for an appropriate remedy in district court as provided by law.
(Ord. 97-94, passed 11-7-2001)

• **31.11 TERMS OF OFFICE.**

(A) *Council Members.* Two Council Members shall be elected for 4-year terms at each biannual election.

(B) *Mayor.* The Mayor shall be elected for a 4-year term commencing with the regular municipal elections to be held in 2008. The first 4-year mayoral term shall commence on January 1, 2009.
(Ord. 97-194, passed 6-19-2007)