

**TITLE III: ADMINISTRATION**

Chapter

**30. CITY COUNCIL**

**31. CITY OFFICIALS AND EMPLOYEES**

**32. FINANCE; REVENUE; TAXATION**



Section

~~Organization and Procedure~~  
**CHAPTER 30. CITY COUNCIL**

- 30.01 Meetings
- 30.02 Presiding officer
- 30.03 Minutes
- 30.04 Order of business
- 30.05 Quorum and voting
- 30.06 Ordinances, resolutions, motions, petitions, and communications
- 30.07 Committees
- 30.08 Suspension or amendment of rules
- 30.09 Effective date

**ORGANIZATION AND PROCEDURE**

**§ 30.01 MEETINGS.**

(A) *Regular meetings.* Regular meetings of the City Council shall be held on the first Monday of each calendar month at 7:00 p.m. Work session/special meetings of the City Council shall be held on the third Monday of each calendar month at 7:00 p.m. Any regular meeting or work session/special meeting falling upon a holiday shall be held on the next following business day at the same time and place. The City Clerk/Treasurer shall maintain a schedule of regular meetings. This schedule shall be available for public inspection during regular business hours at the City Clerk/Treasurer's office.

(B) *Special meetings.* Special meetings, other than emergency meetings, may be called by the Mayor or by any 2 members of the Council. The request for a special meeting shall be filed in writing with the City Clerk/Treasurer who shall then notify all the members of the Council in writing of the time, place, and subject of the meeting. This notice shall be delivered to the Councilmembers by causing a copy to be delivered to their usual place of residence. In addition, the Clerk/Treasurer shall notify each Councilmember by any other means for which the Councilmember has previously left written instructions with the Clerk/Treasurer. Notice of special meetings shall be posted, and shall be mailed, or delivered to each person who has filed a written request for notice of the meetings, at least 3 days

before the date of the meeting. Requests for notice of special meetings must be in writing and filed with the City Clerk/Treasurer, designating an address where notice may be mailed. The request will be valid for 1 year.

(C) *Emergency meetings.* An emergency meeting is a special meeting called because of circumstances that, in the judgment of the Council, require its immediate consideration. The Mayor or any 2 Councilmembers may call an emergency meeting by filing a notice in writing with the City Clerk/Treasurer. The City Clerk/Treasurer shall immediately cause a copy of the notice to be delivered to the usual residence of each Councilmember, and in addition shall notify each Councilmember by any other means for which the Councilmember has previously left written instructions for the Clerk/Treasurer. The City Clerk/Treasurer shall make a good faith effort to notify each news gathering organization that has filed a written request with the city for notice of special meetings, if the filed request includes a telephone number for notice. The notice shall include the subject of the meeting.

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

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;
- (3) Choose an Acting Mayor from the Councilmembers who shall perform the Mayor's duties during the Mayor's absence, disability from the city or, in case of vacancy in the Office of Mayor, until a successor has been appointed and qualifies; and
- (4) Appoint necessary officers, employees, and members of boards, commissions, and committees.

(E) *Public meetings.* Except as otherwise provided in the Open Meeting Law, all Council meetings, including special, emergency, and adjourned meetings, and meetings of all Council committees shall be open to the public.  
(Ord. 2003-174, passed 5-5-2003)

### **§ 30.02 PRESIDING OFFICER.**

(A) *Who presides.* The presiding officer shall be the Mayor. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the Clerk/Treasurer shall call the meeting to order and shall preside until the Councilmembers present at the meeting choose 1 of their numbers to act temporarily as presiding officer.

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

questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with *Robert's Rules of Order Newly Revised, 9th Edition*.

(C) *Appeals*. 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 or 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.

(D) *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 pass the Chair to another Councilmember to preside temporarily.  
(Ord. 2003-174, passed 5-5-2003)

### § 30.03 MINUTES.

(A) *Who keeps*. The Clerk/Treasurer shall keep minutes of each Council meeting. In the Clerk/Treasurer's absence, 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 Clerk/Treasurer and can be accurately identified from the description given in the minutes.

(B) *Approvals*. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk/Treasurer, and copies shall be included in each Councilmember's agenda packet. At the next regular meeting, approval of 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.  
(Ord. 2003-174, passed 5-5-2003)

### § 30.04 ORDER OF BUSINESS.

(A) *Order established*. Each meeting of the Council shall convene at the time and place appointed. Council business shall be conducted in the following order:

- (1) Call to order;
- (2) Agenda additions;
- (3) Approval of minutes;
- (4) Financial report;
- (5) Department reports:

- (a) Police report;
  - (b) Fire Department report;
  - (c) General maintenance report;
  - (d) Zoning Board report;
  - (e) Emergency management report; and
  - (f) Economic development report.
- (6) Comments and suggestions from citizens present;
  - (7) Claims and accounts;
  - (8) Unfinished business;
  - (9) New business;
  - (10) Correspondence and announcements; and
  - (11) Adjournment.

(B) *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 the hearing.

(C) *Agenda.* The Clerk/Treasurer shall prepare an agenda of business for each Council meeting and file a copy in the office of the Clerk/Treasurer not later than 4 days before the meeting. The agenda shall be prepared in accordance with the order of business and copies shall be prepared for each Councilmember, sent to the City Attorney, and be posted in the post office, as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the Councilmembers present.

(D) *Agenda materials.* The Clerk/Treasurer shall see that at least 1 copy of printed materials relating to agenda items is available to the public in the meeting room while the Council considers their subject matter. The agenda item shall not be considered unless this provision is complied with. This section does not apply to materials that are classified as other than public under the Minnesota Data Practices Act or material from closed meetings.  
(Ord. 2003-174, passed 5-5-2003)

**§ 30.05 QUORUM AND VOTING.**

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

(B) *Voting.* The votes of the members on any question may be taken in any manner, which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to that member's name, shall be recorded as an abstention.

(C) *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.  
(Ord. 2003-174, passed 5-5-2003)

**§ 30.06 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS.**

(A) *Readings.* Every ordinance and resolution shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the Council requests such a reading.

(B) *Signing and publication proof.* 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.

(C) *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.

(D) *Motions, petitions, and communications.* Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. 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. 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.  
(Ord. 2003-174, passed 5-5-2003)

**§ 30.07 COMMITTEES.**

(A) *Committees designated.* Committees shall be appointed by the Council at the first regular Council meeting in January of each year.

(B) *Referral and reports.* Any matter brought before the Council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee which the presiding officer appoints for a written report and recommendation before it is considered by the Council as a whole. A majority of the members of the committee shall sign the report and file it with the Clerk/Treasurer prior to the Council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.  
(Ord. 2003-174, passed 5-5-2003)

**§ 30.08 SUSPENSION OR AMENDMENT OF RULES.**

These rules may be suspended or amended only by a 2/3 vote of the members present and voting.  
(Ord. 2003-174, passed 5-5-2003)

**§ 30.09 EFFECTIVE DATE.**

This subchapter is effective upon its passage and publication.  
(Ord. 2003-174, passed 5-5-2003)



Section

**CHAPTER 31: ~~CITY OFFICIALS AND EMPLOYEES~~ <sup>City Clerk/Treasurer</sup>**

31.01 Creation of office; annual audits

***Salaries***

31.15 Generally

***CITY CLERK/TREASURER***

**§ 31.01 CREATION OF OFFICE; ANNUAL AUDITS.**

(A) Effective 8-1-2000, the Office of City Treasurer is abolished and the duties of the Treasurer shall be performed by the incumbent of the combined office of Clerk/Treasurer.

(B) There shall be an annual audit of the city's financial affairs by the State Auditor or by a public accountant in accordance with the procedures prescribed by the State Auditor.  
(Ord. 165, passed 7-5-2000)

***SALARIES***

**§ 31.15 GENERALLY.**

The salaries for city officials and employees shall be set by the City Council from time to time.



Section

~~Chapter 32: FINANCE, REVENUE, TAXATION~~  
*Fees for Emergency Protection Fire Services*  
**CHAPTER 32: FINANCE, REVENUE, TAXATION**

- 32.01 Purposes and intent
- 32.02 Definitions
- 32.03 Parties affected
- 32.04 Rates
- 32.05 Billing and collection
- 32.06 Mutual aid agreement
- 32.07 Application of collections to budget
- 32.08 Effective date

*Master Fee Schedule*

- 32.20 Adoption
- Appendix A: Master Fee Schedule

***FEES FOR EMERGENCY PROTECTION FIRE SERVICES***

**§ 32.01 PURPOSES AND INTENT.**

This subchapter is adopted for the purpose of authorizing the City of Morristown to charge for fire service as authorized by M.S. §§ 366.011, 366.012, and 415.01, as they may be amended from time to time.  
(Ord. 182, passed 9-5-2006)

**§ 32.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***FIRE PROTECTION CONTRACT.*** A contract between the city and a town or other city for the city to provide fire service.

**FIRE SERVICE.** Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

**FIRE SERVICE CHARGE.** The charge imposed by the city for receiving fire service.

**MOTOR VEHICLE.** Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.

**MUTUAL AID AGREEMENT.** An agreement between the city and a town or other city for the City's Fire Department to provide assistance to the fire department of a town or other city.  
(Ord. 182, passed 9-5-2006)

### § 32.03 PARTIES AFFECTED.

(A) Owners of property within the city who receive fire service;

(B) Anyone who received fire service as a result of a motor vehicle accident or fire within the city;  
and

(C) Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.

(Ord. 182, passed 9-5-2006)

### § 32.04 RATES.

(A) Calls are billed for the time at a fire for a pumper and 2 tankers, if needed, at the rate of \$500 for the first hour, \$400 for the second hour, \$300 for the third hour, and \$200 for the fourth hour and thereafter.

(B) Grass fires are billed at the rate of \$300 for the first hour and \$200 for the second hour.  
(Ord. 182, passed 9-5-2006)

### § 32.05 BILLING AND COLLECTION.

(A) Parties requesting and receiving fire services may be billed directly by the city. Additionally, if the party receiving fire services did not request services, but a fire or other situation exists which at the discretion of the Fire Department personnel in charge requires fire service, the party will be charged

and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire service will have 30 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the city will send a notice of delinquency.

(C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city, including, but not limited to, reasonable attorney fees and court costs.

(D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the city all charge collected on behalf of the city. The city must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

(E) False alarms will be billed as a fire call.  
(Ord. 182, passed 9-5-2006)

**§ 32.06 MUTUAL AID AGREEMENT.**

When the City Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.  
(Ord. 182, passed 9-5-2006)

**§ 32.07 APPLICATION OF COLLECTIONS TO BUDGET.**

All collected fire charges will be city funds and used to offset the expenses of the City Fire Department in providing fire services.  
(Ord. 182, passed 9-5-2006)

**§ 32.08 EFFECTIVE DATE.**

This subchapter shall be in force and effect upon its passage and publication.  
(Ord. 182, passed 9-5-2006)

*MASTER FEE SCHEDULE***§ 32.20 ADOPTION.**

(A) Pursuant to Minnesota law and the ordinances of the City of Morristown, and upon a review of a study conducted by the City Council, a fee schedule for city services and licensing is hereby adopted, by an affirmative vote of a majority of the City Councilmembers present.

(1) The ordinances of the City of Morristown establish that certain fees be set from time to time by the City Council.

(2) City Council has reviewed the current Master Fee Schedule for the City of Morristown and is hereby recommending changes to the Master Fee Schedule, hereto attached as Appendix A, be adopted.

(3) Upon consideration and review of the City Council, the Master Fee Schedule, hereto attached as Appendix A of this chapter, is hereby adopted and becomes effective 1-1-2010.

(B) This section shall be in full force and effective upon passage and after publication. Fees are to become effective 1-1-2010.

(Ord. 180, passed - -; Am. Ord. 2009-1, passed - -)