

CITY OF DEEPHAVEN CODE OF ORDINANCES
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CHAPTER 2. ADMINISTRATION OF CITY GOVERNMENT

SECTION 200 CITY COUNCIL

200.01 The Council. The Council will consist of a Mayor and four Council Members.

200.02 Regular Meetings. Regular meetings of the Council will be held on the first and third Monday of each month at 7:00 p.m. Any regular meeting falling on a holiday will be held on the following day at the same time and place, unless otherwise specified by the Council at a regular meeting. All meetings will be held at City Hall unless otherwise set by motion duly made and passed at a Council meeting.

200.03 Special Meetings. The Mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours written notice to each Councilmember. The notice will be delivered personally to each Councilmember or will be left at the Councilmember's usual place of residence with some responsible person. The notice will specify the business to be transacted at the special meeting. Similar notice will be given to the City's official newspaper, and a copy will be posted on the bulletin board at City Hall. Only business specified in the notice of the special meeting will be transacted at the special meeting unless the Council unanimously consents to additional business being transacted. Any Councilmember present at any special meeting who fails to object and have the objection entered in the record of a special meeting will be conclusively presumed to have consented to the transaction of all business transacted at the meeting, and no later objections may be made that the notice of the special meeting was defective.

200.04 Public Meetings. All Council meetings, including special and adjourned meetings and meetings of Council committees, will be open to the public, except as otherwise provided by law.

200.05 Presiding Officer.

Subd. 1. Who Presides. The Mayor will preside at all meetings of the Council. In the absence of the Mayor, the acting mayor will preside. In the absence of both, the Clerk will call the meeting to order and will preside until the Council Members present choose one of their number to act temporarily as presiding officer. The presiding officer may make motions, second motions, and speak on any question.

Subd. 2. Procedure. The presiding officer will preserve order, enforce the Council's rules of procedure, 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, this Code, or by rules adopted by resolution of the Council, the proceedings of the Council will be conducted according to Roberts Rules of Order.

Subd. 3. Appeals. Any Councilmember may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the objecting Councilmember may speak once solely on the procedural question involved and the presiding officer may explain the presiding officer's ruling. No other Councilmember may participate in the discussion. The appeal will be sustained if approved by a majority of the Council Members present.

200.06 Minutes.

Subd. 1. Clerk. Minutes of all Council meetings will be prepared and kept by the Clerk or other person designated by the Council. 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.

Subd. 2. Approval. The minutes of each meeting will be reduced to typewritten form, and will be signed by the Clerk. Copies of the minutes will be delivered to each Councilmember as soon as reasonably practicable after the meeting. At the next regular Council meeting following the delivery, approval of the minutes will be considered by the Council, with any proposed additions or corrections.

200.07 Order of Business. Each meeting of the Council will convene at the appointed time and place. Council business will be conducted in the following order: (1) Call to Order; (2) Roll Call; (3) Approval of minutes; (4) Public hearings; (5) Reports of officers, boards and committees; (6) Old business; (7) New business, including but not limited to the introduction of ordinances and resolutions; (8) Miscellaneous; (9) Adjournment.

Subd. 1. Varying Order. The order of business may be varied in the discretion of the presiding officer, but all public hearings will be held at the time specified in the notice of hearing.

200.08 Agenda. An agenda of business for each regularly scheduled Council meeting will be prepared and filed in the office of the Clerk not later than two business days before the meeting. The agenda will be prepared according to the required order of business and copies will be delivered to each Councilmember and the City Attorney. No item of business will be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by unanimous vote of the Council Members present.

200.09 Voting. A majority vote of all members of the Council is necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute or ordinance, a majority vote of a quorum will prevail in all other cases.

200.10 Ordinances, Resolutions, and Petitions.

Subd. 1. Readings. Every ordinance will be presented in writing, except in emergency situations. Every ordinance will receive two readings before the Council prior to final adoption. The second reading may be waived by a majority vote of the Council.

Subd. 2. Signing and Proof of Publication. Every ordinance and resolution passed by the Council will be signed by the Mayor, attested by the Clerk, numbered, recorded and filed in an ordinance or resolution book. Proof of publication of every ordinance will be attached to and filed with the ordinance. No resolution will be published unless the laws of the State require it to be published or unless it is directed to be published by the Council.

Subd. 3. Repeals and Amendments. Every ordinance or resolution repealing or amending all or a part of a previous ordinance or resolution will give the number of the ordinance, resolution or Code Section to be repealed or amended.

Subd. 4. Petitions. Every petition or other communication addressed to the Council will be in writing and will be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication will be recorded in the minutes by title.

200.11 Salaries.

Subd. 1. Mayor. The salary of the Mayor is \$600.00 per month.

Subd. 2. Council Members. The salary of each Councilmember other than the Mayor will be \$400.00 per month.

Subd. 3. Duration. The salaries established in this Section will remain in effect until amended in accordance with Minnesota Statutes, Section 415.11.

SECTION 205 ELECTIONS

205.01 Election Date. The City will hold regular City elections biennially on the first Tuesday after the first Monday in November in every even numbered year.

205.02 Terms of Office. Two Council Members will be elected for four-year terms at each biennial election. The Mayor will be elected for a two-year term at each biennial election. The terms of elected officers will commence on the first business day of January following the election at which the officer was elected.

205.03 Registration of Qualified Voters. The system for the permanent registration of voters provided for by Minnesota Statutes, Chapter 201, is incorporated by reference. No voter will be permitted to vote in any election held in the City unless the person is a resident and is registered as provided by Minnesota law.

SECTION 210 OFFICE OF CLERK-TREASURER

210.01 The Clerk-Treasurer. The offices of Clerk and Treasurer of the City are combined in the office of Clerk-Treasurer, and the duties of the Treasurer will be performed by the Clerk-Treasurer.

210.02 Annual Audit. There will be an annual audit of the City's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.

SECTION 215 IMPOUNDING PROPERTY, FOUND PROPERTY

215.01 Impounding. The following property may be impounded when impoundment is necessary and in the public interest or in the interest of preservation of the private right in the property:

- (a) Any vehicle parked in violation of the ordinances and regulations of the City.
- (b) Any water craft docked or moored in violation of the ordinances and regulations of the City.
- (c) Any property which unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage or unsafe any public street, lands or waters.
- (d) Any property lawfully coming into possession of the City and remaining unclaimed by the owners.

215.02 Abandoned Motor Vehicles. All abandoned motor vehicles as defined by Minnesota Statutes, Section 168B.02, which are impounded by the City will be dealt with as provided in Minnesota Statutes, Chapter 168B, and this Section 215 will not apply to such vehicles.

215.03 Care. Impounded property will be stored and cared for to reasonably insure its preservation and will be returned to the owner at the earliest opportunity. Any cost of storage or care will be paid by the owner before return of the property, together with the additional charges set forth in Section 405.05. If the cost of care and storage exceeds the value of the property, or the property is of no value, it may be disposed of after reasonable efforts have been made to locate the owner. City staff handling the property will record the efforts made to locate and notify the owner.

215.04 Found Property. When found property or money is delivered to the City a receipt will be issued to the finder. The found property or money will be held by the City for a period of six months unless claimed by the true owner, during which period the Chief of Police will attempt to locate the owner. The Chief of Police may deliver the property or money to the true owner upon proof of ownership satisfactory to the Chief, but only after 10 days notice by mail to any other person who has submitted to the City a written claim of ownership. If the true owner does not claim the property or money during the six-month period, the Chief may deliver it to the person (other than a police officer or City employee) who delivered it to the City if within 30 days after delivery to the City such person indicated in writing that he wished to assert a claim to the property or money as a finder. If found money is not claimed by the true owner or the finder within the six-month period, the money will be deposited in the City's general fund. If found property is not claimed by the true owner or finder within the six-month period, it may be sold by the City in the same manner as impounded property.

215.05 Public Sale. Impounded property may be sold at public auction to the highest bidder for cash after 10 days posted notice of the sale and after mailing a copy of the sale notice to the owner of the property by certified mail no less than five days before the sale, at the owner's last known address if this address can reasonably be ascertained.

215.06 Private Sale. Impounded property may be sold at a private sale after it has been in the possession of the City for at least three months, after publication of a notice of sale in the official newspaper once not less than 10 days before the date of the sale and after mailing a copy of the sale notice to the owner of the property by certified mail no less than five days before the sale, at the owner's last known address if this address can reasonably be ascertained.

215.07 Notice. The required notice will state the time and place of sale, a description of the property, the cost of removal and storage for which the sale will be held and that the sale is pursuant to this Section.

215.08 Conduct of Sale. The Chief of Police will conduct the sale and execute and deliver to the purchaser, a certificate of sale.

215.09 Proceeds of Sale. The proceeds of the sale will be applied to expenses of sale, then to the costs of impounding, including removal, storage and care. Any balance remaining will be placed in the general fund of the City subject to the right of the owner to claim it upon application and satisfactory proof of ownership within six months after the sale.

SECTION 220 ISSUANCE OF CITATIONS BY BUILDING INSPECTOR

220.01 Authority Granted. The Building Inspector will have the authority to issue citations for violations of any provisions of Chapters 4, 5, 10, 11, 12 and 13 of this Code.

SECTION 225 OFFICE OF CITY ADMINISTRATOR

225.01. Position of City Administrator. There is hereby created in and for the City of Deephaven the position and office of City Administrator. The Administrator is the chief administrative officer of the City Staff and is the highest staff employee position in the City. The Administrator has the responsibility for directing all administration and coordination between departments in accordance with State law, the City Code of Ordinances, and City Council direction. The Administrator will be appointed by the City Council, will serve at the pleasure and discretion of the Council, will report directly to the Council, and will serve under the direct supervision of the Mayor and Council. The Administrator will also serve as City's Planning and Zoning Administrator.

225.02 Authority Only from Council. The Administrator's authority is derived exclusively from the Mayor and Council. The Administrator will have no independent authority by virtue of State law or otherwise to make purchases for the City, hire or fire employees of the City, or otherwise make any decisions or take any actions which are reserved and limited to the Mayor or Council under State law. Any such actions shall be taken by the Administrator only upon specific direction or approval by the Council.

225.03 Supervisory Responsibility. The Administrator is responsible for the direct supervision of the City Clerk-Treasurer, the Police Chief and the Public Works/Building Official.

225.04 Other Responsibilities. The Council hereby directs the Administrator to perform the following primary responsibilities and essential functions under the guidance and direction of the Council and Mayor:

- (a) Direct and monitor all municipal activities and oversee functions in accordance with a Plan A form of municipal government; work closely with department heads to plan and coordinate City activities; oversee the preparation of Council agenda items; and ensure that the City complies with all mandated programs.
- (b) Develop and provide overall personnel administration in accordance with Council direction; ensure that personnel reviews are conducted for all employees; recommend employee compensation and pay equity plans to the Council; supervise, assign and direct the work activities of the department heads; coordinate the work of the City's contract employees; and recommend the selection of employees to the Council.
- (c) Implement the decisions and policies of the Council; provide recommendations to the Council regarding City activities and outside requests; attend all Council meetings; attend other City board and commission meetings as directed by the Council; oversee the preparation of resolutions, amendments, and contracts as requested by the Council.
- (d) Serve as the employee safety administrator for City and mandated programs; develop and implement an ongoing employee training program; ensure that all employees attend appropriate training sessions.

- (e) Coordinate the preparation of a recommended budget to the Council; oversee all financial operations of the City; oversee the preparation of the capital improvement program on an annual basis; monitor expenditures with the overall budget; oversee all fund management and investment activities; oversee the governmental grant and loan program.
- (f) Serve as City representative to outside agencies at the request of the Council; direct communication activities to keep the public informed of City activities; attend local, regional or state meetings concerning municipal activities; cooperate with other governmental bodies regarding mutual services and interests.

230 PLANNING COMMISSION

230.01 The Commission shall be a City planning agency authorized by Minn. Stat. 462.354.

230.02 Purpose

The purpose of the Planning Commission is to issue recommendations to the City Council in the following areas:

- a. Applications for variance
- b. Applications for special use permit
- c. Applications for subdivision
- d. Applications for replat
- e. Applications for rezoning
- f. Revisions and amendments to the Zoning Code
- g. Revisions and amendments to the Subdivision Code
- h. Revisions and amendments to the Comprehensive Plan
- i. Revisions and amendments to the Land Use Plan

230.03 Composition

The Planning Commission shall consist of eight (8) members. Seven (7) members shall be appointed by the Council and at least one (1) member must be a councilmember who shall serve as Council Liaison. The Council Liaison shall not be a regular voting member of the Commission, but shall be a full voting member in the absence of a quorum of Commission members. A majority of voting members shall constitute a quorum. Action shall be by majority vote. A member missing three (3) consecutive regularly scheduled meetings or four (4) regularly scheduled meetings within a calendar year will be reviewed by the Commission members for continued membership. Commission members may be removed by a three-fifths (3/5) vote of the Council.

A member shall be appointed for a term of three (3) years. Appointees shall hold offices until their successors are appointed. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Upon appointment to the Commission, each member shall take an oath to faithfully perform the duties of the office. All members shall serve without compensation.

230.04 Meetings

Subd. 1. Organization. The Commission shall elect someone as chair from among the appointed members for a term of one (1) year. The Commission may create and fill such other offices from its members as it may determine as appropriate. The Zoning Coordinator shall act as Secretary of the Planning Commission, but shall not be a member.

Subd. 2. Meetings and Reports. The Commission shall hold at least one (1) regular meeting on the third Tuesday of each month, as business may require, and such additional meetings as may be required following twenty-four hours notice by the Chair or at the request of a majority of the members of the Planning Commission. It shall adopt rules for the transaction of business and shall keep a public record of its minutes, resolutions, transactions and findings. Expenditures of the Commission shall be within the amounts budgeted and appropriated for the purposes designated by the Council.

230.05 Terms of Office

Terms of office shall not exceed two (2) consecutive terms of office plus the unexpired term of an immediate predecessor. In the event that a qualified candidate can not be found to replace a member whose term of office has expired, the Council may appoint the member to an additional one (1) year term of office. A member can reapply for membership on the Commission after two (2) years have expired.

235.01 PARKS AND RECREATION COMMITTEE

The Parks and Recreation Committee shall be created for the purpose described in Section 235.02 below.

235.02 Purpose

The purpose of the Parks and Recreation Committee is to issue recommendations to the City Council in the following areas:

- a. Public parks
- b. Public beaches
- c. Public trails
- d. Recreational facilities and programs
- e. Repair and replacement of park and recreation equipment
- f. Promulgate rules and regulations for the use of park and recreational facilities as the Committee deems necessary and proper to promote the public use and preservation of park lands
- g. And, any other park and/or recreational activity as deemed appropriate by the City Council

235.03 Composition

The Parks and Recreation Committee shall consist of seven (7) members appointed by the Council. A majority of voting members present shall constitute a quorum. Action shall be by majority vote. A member missing three (3) consecutive regularly scheduled meetings or four (4) regularly scheduled meetings within a calendar year will be reviewed for continued membership. Board members may be removed by a three-fifths (3/5) vote of the Council.

A member shall be appointed for a term of three (3) years. Appointees shall hold office until their successors are appointed. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Upon appointment to the Committee, each member shall take an oath to faithfully perform the duties of the office. All members shall serve without compensation.

235.04 Meetings

Subd. 1. Organization. The Committee shall elect someone as chair from among the appointed members for a term of one (1) year. The Committee may create and fill such other offices as it may deem necessary. The City Administrator shall act as Secretary of the Parks and Recreation Committee, but shall not be a member.

Subd. 2. Meetings and Reports. The Committee shall hold at least one (1) regular meeting on the first Tuesday of each month, as business may require, and such additional meetings as may be required following twenty-four hours notice by the Chair or at the request of a majority of the members of the Park Committee. It shall adopt rules for the transaction of business and shall keep a public record of its minutes, resolutions, transactions and findings. On or about August fifteenth of each year, the Committee shall submit a Parks and Recreation Budget for the next fiscal year to the City Council for their review and approval. The Committee shall not have the authority to deviate from the approved annual budget without the specific consent of the City Council.

235.05 Terms of Office

Terms of office shall not exceed two (2) consecutive terms of office plus the unexpired term of an immediate predecessor. In the event that a qualified candidate can not be found to replace a member whose term of office has expired, the Council may appoint the member to an additional one (1) year term of office. The member can reapply for membership on the Committee after two (2) years have expired.

240.01 BOAT COMMITTEE

The Boat Committee shall be created to issue recommendations to the City Council on all matters pertaining to the administration of the Watercraft Space Ordinance and the operation of City watercraft space.

240.02 Purpose

The purpose of the Boat Committee is to issue recommendations to the City Council in the following areas:

- a. Provide general supervision on the administration of the Watercraft Space Ordinance
- b. Provide revisions and amendments to the Water Space Ordinance
- c. Act as a screening committee for complaints or recommendations
- d. Provide boating opportunities for as many citizens of Deephaven as possible
- e. Recommend rate adjustments for marina usage
- f. Recommend expenditures of Marina Funds as necessary

240.03 Composition

The Boat Committee will consist of seven (7) members appointed by the Council. Its members will consist of a combination of seven residents of the city who currently hold a marina permit,

that are currently on the waiting list for a permit, and that are non-permit holders. A majority of voting members present shall constitute a quorum. Action shall be by majority vote. A member missing three (3) consecutive regularly scheduled meetings or four (4) regularly scheduled meetings within a calendar year will be reviewed for continued membership. Committee members may be removed by three-fifths (3/5) vote of the Council.

A member shall be appointed for a term of three (3) years. Appointees shall hold office until their successors are appointed. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Upon appointment to the Committee, each member shall take an oath to faithfully perform the duties of the office. All members shall serve without compensation.

240.04 Meetings

Subd. 1. Organization. The Committee shall elect someone as chair from among the appointed members for a term of one (1) year. The Committee may create and fill such other offices as it may deem necessary. The City Administrator shall act as Secretary of the Boat Committee, but shall not be a member.

Subd. 2. Meetings and Reports. The Committee shall hold at least one (1) regular meeting on the second Wednesday of each month, as business may require, and such additional meetings as may be required following twenty-four hours notice by the Chair or at the request of a majority of the members of the Boat Committee. Special meetings may need to be scheduled to issue recommendations to the Council on those permit holders who have not placed their watercraft at their assigned watercraft space by the June 15th deadline as required by 900.07, Subd. 2 (b) and on those permit holders who have not complied with the 90-day usage requirement as required by 900.07, Subd. 2 (a) and those who have not returned their boat permit cards by the November 20th deadline as required by 900.06, Subd. 2 (c). The Committee shall adopt rules for the transaction of business and shall keep a public record of its minutes, resolutions, transactions and findings. On or about September fifteenth of each year, the Committee shall submit a Marina Fund Budget for the next fiscal year to the City Council for their review and approval. The Committee shall not have the authority to deviate from the approved budget without the specific consent of the City Council.

240.05 Terms of Office

Terms of office shall not exceed two (2) consecutive terms of office plus the unexpired term of an immediate predecessor. In the event that a qualified candidate can not be found to replace a member whose term of office has expired, the Council may appoint the member to an additional one (1) year term of office. The member can reapply for membership on the Committee after two (2) years have expired.