

CHAPTER IV

City Council

Section 4.1 COUNCIL AND QUORUM. The council members shall constitute the city council and shall elect a president and vice-president from their membership. A majority shall constitute a quorum to transact business but a smaller number may adjourn from day to day and compel the attendance of absent members. (As amended, Ordinance No. 1017, adopted 12/4/90; as amended, Ordinance No. 1222, adopted 12/21/99.)

Section 4.2. POWERS. Unless otherwise expressly provided in this charter, the city council shall have all powers granted to the City, including management and control of the finances and property of the City with full power and authority to make, ordain, establish, publish, alter, modify, amend, and repeal ordinances, resolutions, rules and regulations for the government and good order of the City, for the protection of its property, for the suppression of vice, for the prevention of crime, or for the benefit of trade and commerce. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

Section 4.3 MEETINGS. The city council shall hold regular meetings at such times and places as it shall prescribe by resolution. The first regular meeting after the biennial election shall be held on the first Tuesday in January. The mayor or any four (4) council members may call special meetings. Notice of special meetings shall be delivered to each council member and to the mayor personally or left at the office or usual place of abode of the person served with some person of suitable age and discretion residing therein. (As amended, Ordinance No. 823, adopted 3/1/83; Ordinance No. 1017, adopted 12/4/90.)

Section 4.4 RULES. The city council shall be the judge of the election and qualification of its members. The proceedings of the city council shall be governed by Robert's Rules of Order. It may punish members for misconduct. Continued absence from six (6) consecutive regular meetings without excuse shall constitute cause for removal.

Section 4.5 RECORDS. The city clerk shall keep a record of proceedings of the city council. When demanded by any member present, the "ayes" and "noes" upon any question shall be entered on the minutes, and upon final passage of any ordinance or resolution or motion appropriating money for any purpose, the ayes and noes shall be entered.

Section 4.6 ORDINANCES AND RESOLUTIONS. Unless a larger majority is required under the provisions of this charter, ordinances and resolutions must be passed by an affirmative vote of a majority of all members and approved by the mayor.

CHARTER

An ordinance shall embrace a single subject, which shall be expressed in the title. The enacting clause shall be as follows: "The City Council of the City of Owatonna Do Ordain". No ordinance shall be passed at the same meeting at which it is presented, or at any but a regular meeting or an adjournment thereof. Within forty-eight (48) hours after adoption, the city clerk shall present each ordinance or resolution to the mayor. If the mayor approves, he/she shall sign the same. Otherwise, the mayor shall return the same to the city clerk with objections thereto. The vetoed resolution or ordinance shall be presented to the city council at its next regular meeting thereafter. If upon reconsideration the city council shall pass the same by five-sevenths vote of all members thereof, it shall be in force and effect without approval by the mayor. If an ordinance or resolution is not returned by the mayor within seven (7) days after it was presented, Sundays and legal holidays excepted, it shall be in effect without approval. Every ordinance together with the affidavit of publication as provided in Section 4.7 and every resolution shall be recorded by the City Clerk in a separate book. The record of any ordinance or resolution or a duly certified copy of the record shall be evidence of passage, approval, and publication. Resolutions need not be published unless otherwise required by law or unless publication is requested by the Mayor or two council members. (As amended, Ordinance No. 1017, adopted 12/4/90 and Ordinance No. 1485, adopted 4/17/12.)

Section 4.65 EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare, in which ordinance the emergency is defined and declared in a preamble. An emergency ordinance shall be adopted by the affirmative vote of at least five (5) members of the council and/or the mayor. The mayor shall not have the right of veto, but he shall have the right to vote. No prosecution shall be based upon the provision of any emergency ordinance until twenty-four (24) hours after the ordinance has been filed with the city clerk and posted in three (3) conspicuous places, or until the ordinance has been published as provided in Section 4.7, unless the person charged with violation thereof had actual notice of the passage of the emergency ordinance prior to the act or omission complained of. Such emergency ordinance shall take effect immediately upon its passage, or at such later date as it shall specify. Such an ordinance shall terminate and become null and void after forty-five (45) days from the day of its enactment, unless enacted in accordance with Section 4.6, above. (As approved, City Election – 3/14/78.)

Section 4.7 OFFICIAL NEWSPAPER – PUBLICATION – ORDINANCE CODE. At its first regular meeting each year, the city council shall designate a newspaper of general circulation in the City as the official paper for publication of all matters required by law to be published and no ordinance and no resolution which is required to be published shall be in effect until published therein, provided that a recodification of existing ordinances may be made under the direction of the city attorney, and such ordinance code, when certified by the city attorney to be a recodification of existing ordinances, shall be filed with the city clerk and shall be in full force and effect without publication. In the case of lengthy ordinances or resolutions required to be published under Section 4.6, the city council may by a vote of a majority of its council members direct that only the title of the ordinance and summary be published, conforming to Minnesota Statutes Section 331A.01, subdivision 10 as now enacted or hereinafter amended. Such summary statement shall also contain a notice that the entire text of

the ordinance is available for inspection at the Office of the City Administrator, and posted on the official bulletin board at the City Administration Building and also available at the city library, and at any other public location which the city council may designate. Prior to its publication the title and text of the summary shall be approved by the city council upon determination by the council that the summary clearly informs the public of the intent and effect of the ordinance. (as amended, Ordinance 1485, adopted 4/17/12.)

Section 4.8 ACQUIRING AND SELLING PROPERTY. The city council may acquire by purchase, lease, gift, grant, or condemnation such property as it may deem necessary as sites for public buildings, streets, or grounds and other necessary municipal purposes, provided, however, that if the cost to the City of any parcel so acquired shall exceed an amount equal to five (5) mills on the value of taxable property in the City, the same shall not be acquired unless the proposal to acquire the same is submitted to vote of the people and favored by a majority vote thereof. The city council may sell, convey, and dispose of any real property not needed for municipal purposes only upon a two-thirds (2/3rds) majority vote of all members of the City Council. (As amended, Ordinance 1458, adopted 6/15/10.)

Section 4.9 CONTRACTS. Every contract to which the City is a party shall be void unless signed by the mayor and attested by the clerk with the seal of the City affixed thereto, after the same has been ordered by motion adopted by a majority of the members of the city council; provided, however, that the ordinance establishing any board under Chapter VIII may authorize the board by its president and secretary to enter into valid contracts relating to its affairs and the Public Utilities Commission shall be authorized to enter into valid contracts as provided in Chapter IX. (As amended, Ordinance No. 763, adopted 3/3/81.)

Section 4.10 PLATS. Any person desiring to lay out an addition to the City or subdivide any lot, piece, or parcel of land within the City, including any tract of land theretofore platted, shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of the state relating to town and city plats. The completed and acknowledged survey plat shall be presented to the city planning commission. The city planning commission may approve or disapprove the plat or request that it be changed or modified. The plat, with the recommendation of the city planning commission, shall then be presented to the city council for acceptance or rejection. When a plat is accepted, the city clerk shall so certify upon the face of the plat. The plat may then be filed for record in the manner provided by law. The acceptance of any plat of an addition or subdivision shall not make the City liable to grade the streets therein designated.

Section 4.11 FRANCHISES. The city council may by ordinance grant, regulate, and control the exercise of any privilege or franchise in, upon, or over any street or public place in the City. No privilege or franchise shall be granted for a period of more than twenty-five (25) years, nor shall any exclusive privilege or franchise be granted unless the proposed ordinance is submitted to the voters of the City and approved by at least sixty percent (60%) of those voting thereon.