

## ADMINISTRATION

### Chapter 2

#### ADMINISTRATION\*

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\***State law reference**—Municipalities generally, Minn. Stats. ch. 412.  
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#### ARTICLE I. IN GENERAL

##### Sec. 2-1. Abandoned property.

(a) *Procedure.* All property other than abandoned vehicles lawfully coming into the possession of the city shall be disposed of as provided in this section.

(b) *Storage.* The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

(c) *Claim by owner.* The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

(d) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police of the city after two weeks, published notice setting forth the time and place of the sale and the property to be sold.

(e) *Disposition of proceeds.* The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

(Code 1987, § 170.05)

**State law reference**—Authority to so provide, Minn. Stats. § 471.195; abandoned motor vehicles, Minn. Stats. ch. 169B.

##### Secs. 2-2—2-20. Reserved.

#### ARTICLE II. CITY COUNCIL\*

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\***State law reference**—City Council generally, Minn. Stats. § 412.191 et seq.  
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#### DIVISION 1. GENERALLY

##### Sec. 2-21. Salaries of Mayor and Councilmembers.

Effective January 2, 2021, the salary of the Mayor shall be \$475.00 per month and the salary of each Councilmember shall be \$350.00 per month.

(Code 1987, § 155.35; Ord. No. 70-1994, 8-29-1994; Ord. No. 01-2019, 2-2-2021)

##### Sec. 2-22. Worker's compensation.

Pursuant to Minn. Stats. § 170.011, subd. 9(6), the elected officials of the city and municipal officers appointed for a regular term of office shall be included in the city's coverage for workers' compensation under the Minnesota Workers' Compensation Act (Minn. Stats. ch. 176).

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(Code 1987, § 155.40; Ord. No. 22-1989, 2-20-1989)

### **Sec. 2-23. Hearings.**

(a) *Generally.* Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

(b) *Notice.* Every hearing shall be preceded by ten days' mailed notice to all persons entitled thereto by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subsection.

(c) *Conduct of hearing.* At the hearing, each party in interest shall have the opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

(d) *Record.* Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes.

(Code 1987, § 100.55)

### **Secs. 2-24—2-49. Reserved.**

## DIVISION 2. RULES OF ORDER AND PROCEDURE

### **Sec. 2-50. Suspension or amendment of rules.**

These rules may be suspended only by a two-thirds vote of the members present and voting.

(Code 1987, § 155.30)

### **Sec. 2-51. Council meetings.**

(a) *Regular meetings.* Unless the Council determines otherwise, regular meetings of the Council shall be held on the second and fourth Tuesdays of each calendar month at 6:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall.

(b) *Special meetings.* During a regular Council meeting, the City Council may set the date for special meetings, or the Mayor or any two members of the Council may call a special meeting of the Council upon at least 24 hours' notice to each member of the Council.

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

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;
- (3) Choose one of the Councilmembers as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- (4) Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary;

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- (5) Take such other action as deemed appropriate.

(Code 1987, § 155.01) (Ord. 02-2010, 6-6-10; Ord. 01-2024, 3-9-2024)

**State law reference**—Designation of depositories, Minn. Stats. § 427.02; designation of official newspaper, Minn. Stats. § 412.831; designation of acting Mayor, Minn. Stats. § 412.121.

### **Sec. 2-52. Presiding officer.**

(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 Councilmembers present at the meeting choose one of their number 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 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.

(c) *Appeal procedure.* 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 ruling, but no other Councilmember shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

(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 he shall vacate the chair and designate a Councilmember to preside temporarily.

(Code 1987, § 155.05)

**State law reference**—Mayor to preside, Minn. Stats. § 412.101.

### **Sec. 2-53. Approval of minutes.**

The minutes of each meeting shall be reduced to typewritten form, and copies thereof shall be delivered to each Councilmember as soon as practicable after the meeting. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

(Code 1987, § 155.10)

**State law reference**—Clerk to keep minutes of meetings, Minn. Stats. § 412.151, subd. 1.

### **Sec. 2-54. Meeting agenda.**

The clerk shall prepare an agenda of business for each regular Council meeting and file a copy in his office not later than one business day before the meeting. Copies thereof shall be available to each Councilmember and to the official newspaper of the city 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.

(Code 1987, § 155.15; Ord. No. 16-2005, 9-25-2005)

### **Sec. 2-55. Quorum and voting.**

- (a) *Quorum.* At all Council meetings a majority of all the Councilmembers elected

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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 questions 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 his name, shall be marked "present/not voting."

(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.

(Code 1987, § 155.20)

**State law reference**—Quorum and required votes, Minn. Stats. § 412.191, subds. 1, 4.

### **Sec. 2-56. 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) *Signatures and proof of publication required.* Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the clerk, and filed by him 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 or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

(d) *Motions, petitions, communications.* Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. 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.

(Code 1987, § 155.25)

### **Secs. 2-57—2-85. Reserved.**

## **ARTICLE III. OFFICERS AND EMPLOYEES\***

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**\*State law reference**—City officers and employees generally, Minn. Stats. § 412.111 et seq.; municipal officers and employees, Minn. Stats. ch. 418; vacancies, resignations and removals from public office, Minn. Stats. ch. 351.

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### **Sec. 2-86. City Manager; form of government.**

The city operates under the optional Plan B form of government provided for in Minn. Stats. §§ 412.601—412.751.

(Code 1987, § 205.01; Ord. No. 07-2001, 9-23-2001)

**Sec. 2-87. Chief administrative officer; duties.**

(a) *Chief administrative officer.* The City Manager is the chief administrative officer of the city, and is responsible to the Council for the supervision of all departments and divisions of city administration except where otherwise provided by law. The Manager shall prepare and distribute to the department and division heads, such rules and regulations as deemed necessary for the orderly and efficient conduct of city administrative affairs. The City Manager shall periodically review the administrative structure of the city and may recommend to the Council changes in the administrative organization of the city.

(b) *Specific duties.* The Manager has the responsibilities provided in the laws governing statutory cities. The Manager may employ an administrative assistant and such other employees, including an administrative intern, as are necessary for the execution of the duties of the office. The Manager's personal office staff is a separate department of the city administrative service known as the Executive Department. The Manager is designated as the data practices compliance official.

(Code 1987, § 205.01; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12; Ord. No. 01-2021, 04-04-2021)

**State law reference**—Similar provisions, Minn. Stats. § 412.611 et seq.

**Sec. 2-88. Defense and indemnification of officers and employees of the city.**

(a) *Purpose.* In recent years there has been a loss of sovereign immunity for municipal functions and employees and a trend has developed wherein municipalities, their officers, employees and agents have been joined in litigation and a number of these lawsuits have been filed naming, officers, employees and agents individually in lawsuits. As a result of this trend in the law, it becomes more difficult to obtain the services of citizens who are reluctant to volunteer for service in municipal government and to assume individual liability when acting in behalf of the city. City Councilmembers, employees and officers are in the normal course of events, participants in many controversial decisions which result in litigation and subject the individuals to concern regarding personal liability. It is the purpose of this section to unequivocally state that the city will protect its city officials, elected or appointed, including members of boards, commissions and committees appointed by the City Council in performing their duties to promote the public health, safety and general welfare. Public officials must be in a position to make decisions when they are needed and to act to implement decisions of the City Council. Action on controversial subjects and implementing policy decisions can and will result in errors on the part of an employee or an elected or appointed official, and it is determined that it is better that said officials act and risk some error and possible injury from such actions rather than not to act at all. The public health, safety and general welfare will be promoted and preserved by providing assurances to these individuals that they will be supported by the municipality in carrying out their official duties.

(b) *Defense and indemnification.* Subject to the limitations in Minn. Stats. § 466.04, the city shall defend, save harmless and indemnify any of its officers and employees, whether elected or appointed, and specifically including members of its advisory commissions, against any tort, claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of their duty. This responsibility to defend and indemnify does not apply in cases of malfeasance in office or willful or wanton neglect of duty.

(c) *Defense counsel.* The City Council will designate the City Attorney or legal counsel representing an insurance carrier for the city to defend the city's employees and officers against all such lawsuits wherein the employee or officer is individually named as a defendant. The city shall continue to represent the employee or officer if the decision is appealed to a higher court, or the City Council may authorize the appeal of any decision against the officer or

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employee to a higher court.

(d) *Right to personal counsel.* The provisions of this section shall not supersede or preclude the officer's or employee's right to retain at his own expense his personal legal counsel to provide for this defense. The determination as to whether to use the city's legal counsel, for which the city shall be responsible for defense costs, or whether the officer or employee chooses to use his own individual counsel at his own expense, shall be at his option, and if the official selects his own attorney, this shall relieve the city from all present and future obligations as they relate to any defense or indemnification of the officer or employee for the alleged tort, claim or demand.

(Code 1987, § 206.05; Ord. No. 3, 5-11-1987)

**State law reference**—City required to indemnify its officers and employees, Minn. Stats. § 466.07.

### **Sec. 2-89. City Attorney.**

The City Council will designate a City Attorney to serve as the legal adviser to the Council and the City Manager. The City Attorney shall represent the city in legal proceedings to which the City is a party and shall perform such other functions of a legal nature as the Council may direct.

(Ord. No. 11-2012, 12-23-12)

### **Secs. 2-90—2-119. Reserved.**

## ARTICLE IV. DEPARTMENTS

### **Sec. 2-120. Departmental and divisional organization.**

(a) *Administrative service.* The administrative service of the city is divided into the following departments and heads thereof:

- (1) Executive Department, City Manager.
- (2) Finance and Administration Services Department, Deputy City Manager.
- (3) Community Development Department, Community Development Director/Planner.
- (4) Fire Department, Fire Chief/Emergency Management Director.
- (5) Liquor Operations Department, Liquor Store Manager.
- (6) Public Works Department, Public Works Director.

(b) *Divisions within departments.* Divisions within departments shall be established from time to time by resolution of the City Council with the recommendation of the Manager.

(Code 1987, § 205.05; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12, Ord. No. 07-2014, 8-24-14; Ord. No. 01-2021, 04-04-2021; Ord. No. 07-2023, 09-24-2023)

### **Sec. 2-121. General duties of department and division heads.**

(a) *Administrative.* Department and division heads are the administrative officers of the city. They are responsible for the efficient administration of their respective departments and divisions and shall initiate, with the approval of the City Manager, whatever practices, programs and procedures are necessary to fulfill that responsibility.

(b) *Assignment of duties.* The City Manager may assign the same individual to head two or more departments or to head one or more divisions within a department. The Manager may be a department head. The Manager shall create a job description for each department head

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position, describing the specific duties and areas of responsibility for the position. The Manager may modify any department head's job description and duties from time to time. A department head shall perform the duties identified in the job description and any additional duties assigned by the Manager.

(Code 1987, § 205.10; Ord. No. 07-2001, 9-23-2001)

### **Sec. 2-122. Deleted.**

(Code 1987, § 205.15; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12)

### **Sec. 2-123. Public Works Department.**

The Public Works Director is responsible to the Manager for the organization, planning, administration and coordination of public works of the city. The director shall perform the duties described in the job description for that position and any additional duties assigned by the City Manager.

(Code 1987, § 205.20; Ord. No. 07-2001, 9-23-2001)

### **Sec. 2-124. Liquor Operations Department.**

The Liquor Store Manager is responsible to the City Manager for the operation of the municipal liquor store. The Liquor Store Manager shall perform the duties described in the job description for that position and any additional duties assigned by the City Manager.

(Code 1987, § 205.25; Ord. No. 07-2001, 9-23-2001)

### **Sec. 2-125. Police Department.**

The administration of the Police Department shall be determined by the City Council upon the recommendation of the City Manager. Any reference to the Police Chief in the City Code shall hereinafter refer to the designee of the City Manager.

(Code 1987, § 205.30; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12)

### **Sec. 2-126. Fire Department.**

The Fire Chief is responsible to the City Manager for all activities relating to the operation of the Fire Department. The Fire Chief shall be the Director of Emergency Management. The Fire Chief shall perform the duties described in the job description for that position, the duties described in the job description for the Director of Emergency Management, and any additional duties assigned by the City Manager. The Fire Department is supervised by the Fire Chief. There may be one or more assistant chiefs in the department.

(Code 1987, § 205.35; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12)

### **Sec. 2-127. Deleted.**

(Code 1987, § 205.40; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12)

### **Sec. 2-128. Community Development Department.**

The Community Development Director/Planner is responsible to the Manager for the organization, planning, administration, and coordination of the community development functions of the city. The director shall perform the duties described in the job description for that position and as described in section 129-31 and any additional duties assigned by the Manager.

(Code 1987, § 205.45; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12)

**Sec. 2-129. Finance and Administrative Services Department.**

The Deputy City Manager is responsible to the City Manager for the organization, planning, administration, and coordination of the finance and administrative services activities of the city. The Finance Director shall report to the Deputy City Manager and shall perform the duties described in the job description for that position, including the duties of treasurer, and any additional duties assigned. The Administrative Services Coordinator/City Clerk shall report to the Deputy City Manager and shall perform the duties of the City Clerk and is designated as the responsible authority for the collection, use, and dissemination of the City's data.

(Code 1987, § 205.55; Ord. No. 07-2001, 9-23-2001; Ord. No. 11-2012, 12-23-12, Ord. No. 07-2014, 8-24-14; Ord. No. 01-2021, 04-04-2021; Ord. No. 07-2023, 09-24-2023)

**Secs. 2-130—2-156. Reserved.**

**ARTICLE V. FINANCE\***

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\*State law reference—Municipal finance generally, Minn. Stats. chs. 426—435.

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**Sec. 2-157. Fees.**

Whenever in this Code it is provided that fees are as established by the city or there is other language of similar import, such language shall mean the fees are as established by ordinance, resolution or any other meaning authorized by law. Nothing in this section prevents the Council from lawfully delegating to a city officer, city employee or city department the power to establish fees.

**Sec. 2-158. Recovery of expense of work chargeable to another.**

Where any work is done by the municipality or its employees which this Code provides shall be done at the expense of any person, the expense of such work may be recovered by an action at law against any person so charged, before any court of competent jurisdiction; and the recovery in such case shall also include all the expenses attendant upon the suit for collecting the same, including a reasonable attorney's fee.

(Code 1987, § 100.75)

**Sec. 2-159. Insurance.**

Notwithstanding any provisions of this Code to the contrary, whenever in this Code an applicant for a license, permit or approval is required to furnish the city proof of liability insurance, such a requirement shall be construed to include a requirement that the city be an additional insured in such insurance policy.

**Sec. 2-160. Funds.**

The Council and City Manager must account for the City's finances through a classification of funds, including a general fund for operating expenses and other required funds. The Council may by resolution make interfund loans, except from trust or agency funds or where prohibited by law. The Council may by resolution make permanent transfers among all funds, except when prohibited by law.

(Ord. No. 02-2018, 07-08-18)

**Sec. 2-161. Public works reserve fund.**

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(a) *Established.* Pursuant to Minn. Stat. § 471.57, a public works reserve fund is established for the City for the purposes set out in this section.

(b) *Tax Levy.* The Council may annually levy taxes for the support of the public works reserve fund. The City may pay into the public works reserve fund any other revenue not required by statute to be paid into some other fund or used for purposes other than those provided in this section for the use of the public works reserve fund.

(c) *Purpose.* The public works reserve fund shall be used for capital improvements authorized from one of the following funds or for any other capital improvements for which the City is authorized to issue bonds. The City shall establish and maintain separate designated funds for the following purposes:

- (1) Capital Reserve Fund - Vehicles and Equipment;
- (2) Community Investment Fund - Parks and Open Spaces; and
- (3) Capital Reserve Fund - City Buildings.

(d) *Expenditures.* The Council may, by resolution, authorize an interfund loan that must be repaid to the public works reserve fund. Any other expenditure from the public works reserve fund shall be for capital improvements consistent with the purposes of this fund as designated in this section. In the event the Council wishes to make a permanent expenditure of any of the funds for a different purpose than designated herein, the Council shall submit to voters of the City at any regular or special election the question of using the funds for such other purpose. If a majority of the votes cast on the question are in favor of the diversion from the original purposes of the fund, it may be used for any purpose so approved by the voters.

(Ord. No. 02-2018, 07-08-18)

**Secs 2-162—2-186. Reserved.**

## ARTICLE VI. CODE ENFORCEMENT

### **Sec. 2-187. Administrative offenses.**

(a) *Certain offenses enforced as administrative.* The City Council has determined to enforce certain offense within the city as administrative offenses. Those violations shall not include violations described in Minnesota Statutes, Chapter 169. The offenses to be enforced as Administrative Offenses shall be determined by resolution of the City Council as recommended by the Fire Chief and Community Development Director.

(b) *Violation/penalty.* Any person violating one of the administrative offenses within the city shall be subject to the scheduled administrative penalty. The City Council shall determine the administrative penalties and both the administrative offenses and the penalty amount may be amended, from time to time, by resolution of the City Council.

(c) *Enforcement.* Any member of the Police Department or any other person employed by the city with authority to enforce this Code may issue administrative violations under this section. Notice shall be given to the violator setting forth the nature of the offense, the date, time of the violation, the name of the official issuing the citation and the amount of the scheduled penalty.

(d) *Payment.* Once notice of an administrative violation is given, the person responsible for the violation shall, within seven calendar days of issuance of notice, pay the stated violation penalty to the city.

(e) *Failure to pay.* If a violator fails to pay the penalty imposed by this section, or if

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the violator wishes to contest the citation, then the matter shall be processed as a code or criminal offense through the county district court system.

(f) *Disposition of penalties.* All penalties collected shall be paid over to the city and deposited in the general fund.

(Ord. No. 13-2007, §§ 1200.05—1200.30, 11-27-2007; 04-2009, 8-23-09; Ord. No. 11-2012, 12-23-12)

**Secs. 2-188—2-212. Reserved.**

## ARTICLE VII. BOARDS AND COMMISSIONS

### DIVISION 1. GENERALLY

#### **Sec. 2-213. Residency Requirements.**

To be qualified to serve as a member of the commissions described in articles VIII, IV, and X, the individual must be a resident of the City of Mound. A member must resign his or her seat on a commission by the end of the calendar year in which his or her residency status changes.

(Ord. No. 07-2015, 11-22-15)

**Secs. 2-214—2-267. Reserved.**

### DIVISION 2. ECONOMIC DEVELOPMENT COMMISSION\*

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\***State law reference**—Economic development, Minn. Stats. ch. 469.

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#### **Sec. 2-268. Commission deactivated.**

The economic development commission for the city, the "EDC," established on February 21, 1989, has been deactivated, effective June 12, 2001, subject to reactivation by resolution of the Council. Any such resolution reactivating the EDC shall also make the member appointments.

(Code 1987, § 260.01; Ord. No. 05-2001, 7-22-2001)

**Secs. 2-269—2-290. Reserved.**

## ARTICLE VIII. PLANNING COMMISSION\*

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\***State law reference**—Planning Commission, Minn. Stats. § 462.354, subd. 1.

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#### **Sec. 2-291. Established; powers.**

A city Planning Commission is hereby established. The Planning Commission shall have the powers set forth Minn. Stats. ch. 462, and as authorized in this article.

(Code 1987, § 245.01)

#### **Sec. 2-292. Composition.**

(a) *Members; ex officio member.* The Planning Commission shall consist of nine members. Eight members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council. The Council shall also select an ex officio member of the commission from among its own members, the said Councilmember to be appointed for one year, commencing in January of each year.

(b) *Appointment; term; vacancy; oath; compensation.* Except for the ex officio

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member, members shall be appointed for terms of three years and until their successors are appointed and qualified. The term of the ex officio member shall not extend beyond the member's office tenure. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member before entering upon the discharge of his duties shall take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation.

(Code 1987, § 245.05)

### **Sec. 2-293. Organization, meetings, etc.**

(a) The commission shall elect a chairperson and a secretary from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine.

(b) The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.

(Code 1987, § 245.10)

### **Sec. 2-294. Preparation of comprehensive municipal plan.**

It shall be the function and duty of the Planning Commission to update and revise the comprehensive municipal plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the commission's program of work and Minn. Stats. ch. 462.

(Code 1987, § 245.20)

### **Sec. 2-295. Capital improvement program.**

Each officer, department, board or commission of or in the city whose functions include recommending, preparing plans for, or constructing public works shall, before the end of each year, submit a list of the proposed public works recommended by such officer, department, board or commission for planning, initiation, or construction during the ensuing year. The Planning Commission shall request from the local school district a similar list of its proposed public works. The Planning Commission shall list and classify all such proposed public works for the ensuing year and shall recommend them to the City Council.

(Code 1987, § 245.45)

## **ARTICLE IX. PARKS AND OPEN SPACE COMMISSION**

### **Sec. 2-300. Establishment.**

The Parks and Open Space Commission for the City of Mound is hereby re-established.

### **Sec. 2-301. Composition.**

The Parks and Open Space Commission shall consist of five members. Four members shall be appointed by the city Council and may be removed by a four-fifths vote of the Council. The Council shall select one member of the Council to serve on the Commission from among the councilmembers, the said councilmember to be appointed for one year, commencing in January of each year.

Members shall be appointed for terms of three years. Appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the

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council for the un-expired portion of the term. Every appointed member before entering upon the discharge of his or her duties shall take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve without compensation but may be reimbursed for actual expenses if funds therefore are provided in the adopted budget of the Parks Department.

### **Sec. 2-302. Organization, meetings, etc.**

The Commission shall elect a Chairperson from among its appointed members for a term of one year with a limit of two consecutive terms as Chairperson; and the Commission may create and fill such other offices as it may determine.

The Commission may hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.

### **Sec. 2-303. Duties.**

It shall be the duty of the Commission to meet from time to time with the City Manager, the City Council, and the Parks Superintendent to consider matters pertaining to recreation programs, parks and open space (except shoreline that is subject to City licensed docks) in the City as shall be referred to the Commission by the City Council, City Manager, the Parks Superintendent, or as member of the Commission deem proper regarding such matters.

The public policy of the City of Mound is to strive to:

- (a) provide present and future residents of the City an unpolluted environment
- (b) provide access to lakes and streams in the community; and
- (c) provide parks which afford natural beauty as well as recreational enjoyment

It is understood that the Commission is advisory to the City Council and is created pursuant to the authority conferred upon the City Council by Minnesota Statutes.

### **Sec. 2-304. Reports to be advisory.**

The Commission reports, conclusions and recommendations shall be made to the City Council, City Manager and Parks Superintendent as may be requested or to any or all of them as the Commission deems appropriate in light of the matter under consideration. Its reports, conclusions and recommendations are purely advisory, and the final determination and responsibility shall be with the Council. It shall be aided and assisted in every way possible by the Parks Superintendent, who shall be appointed by the City Manager.

(Code 1987, §255; 01-2009, 1/25/09; Ord. No. 02-2014, 2-9-14)

### **Sec. 2-305 - 2-319 Reserved.**

## **ARTICLE X. DOCKS AND COMMONS COMMISSION**

### **Sec. 2-320. Establishment.**

The Docks and Commons commission for the City of Mound is hereby established.

### **Sec. 2-321. Composition.**

The Docks and Commons Commission shall consist of six members. Five members (to be composed of three inland and two abutting property owners, all of whom must be active in the City licensed dock program) shall be appointed by the City Council and may be removed by a four-fifths vote; the Council shall select one member of the Council to serve on the Commission

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from among the Councilmembers, the said Councilmember to be appointed for one year, commencing in January of each year. In the event no active dock program participants, either abutting or inland property owners, apply for a vacancy, a resident on the official wait list can be appointed to serve on the Commission.

On the terms of the members first appointed, one shall expire December 31, 2009; two shall expire December 31, 2010; and two shall expire December 31, 2011. Their successors shall be appointed for terms of three years. Both the original and successive appointees shall hold their offices until their successors are appointed and qualified. An appointee shall remain active in the City licensed dock program or on the official wait list or must resign his or her seat on the Commission by the end of the calendar year in which his or her status changes. Every appointed member before entering upon the discharge of his or her duties shall take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve without compensation but may be reimbursed for actual expenses if funds therefore are provided in the adopted budget of the department.

(Ord. No. 07-2015, 11-22-2015)

### **Sec. 2-322. Organization, meetings, etc,**

The Commission shall elect a Chairperson from among its appointed members for a term of one year with a limit of two consecutive terms as Chairperson; and the Commission may create and fill such other offices as it may determine.

The Commission may hold at least one regular meeting a month. It shall adopt rules for the transaction of business and shall keep record of its resolutions, transactions and findings, which record shall be public record.

### **Sec. 2-323. Duties.**

It shall be the duty of the Commission to meet from time to time with the City Manager, the City Council and the Parks Superintendent to consider matters pertaining to docks and shoreline that is subject to City licensed docks in the City as shall be referred to the Commission by the City Council, City Manager, Parks Superintendent, or as members of the Commission deem proper with respect to such matters.

The policy of the City of Mound is to strive to:

- (a) provide present and future residents of the City an unpolluted environment
- (b) provide access to lakes and streams in the community; and
- (c) provide parks which afford natural beauty as well as recreational enjoyment

It is understood that the Commission is advisory to the City Council and is created pursuant to the authority conferred upon the City Council by Minnesota Statutes.

### **Sec. 2-324. Reports to be advisory.**

The Commission reports, conclusions and recommendations shall be made to the Council, Manager and Parks Superintendent as may be requested, or to any or all of them as the Commission deems appropriate in the light of the matter under consideration. Its reports, conclusions and recommendations are purely advisory, and the final determination and responsibility shall be with the Council. It shall be aided and assisted in every way possible by the Parks Superintendent, who shall be appointed by the City Manager.

(Code1987, §256; 02-2009, 1/25/09)