CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-133

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY AMENDING THE CITY'S PROVISIONS RELATED TO THE CITY COUNCIL

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 31 of the City Code by deleting sections 31.01 through 31.11 in their entirety and replacing them with the sections as follow:

§ 31.01 MEETINGS.

(A) *Authority*. City councils are authorized to adopt rules of procedure and provide for order at their meetings.

(1) *Parliamentary procedure*. Except as specifically provided under statute or these parts, the most current version of the Robert's Rules of Order Revised governs any question of parliamentary procedure that arises at a city meeting.

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

(C) *Regular meetings*. Except as provided herein, regular meetings shall be held at City Hall beginning at 7:00 p.m. on the first and third Tuesdays of each month. The City Council may cancel regular Council meetings by adopting the appropriate motion at any duly called Council meeting. The City Council may change the date, time, and/or place of a regular meeting by adopting the appropriate motion at any duly called Council meeting and by posting a written notice of the date, time, and place of the rescheduled meeting on the city bulletin board and at the main entrance to the City Hall at least 3 days before the date of the rescheduled regular meeting.

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

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

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

(4) *Recessed or continued meetings*. When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd. 4. The time and place shall also be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required, unless otherwise required by law. However, if the time and place is not stated and noted as required herein, compliance with the notice procedures for a special meeting, as defined in this Section, shall be required.

(D) *Open Meeting Law*. The Minnesota Open Meeting Law ("OML"), Minn. Stat. Ch. 13D, generally requires that all meetings of public bodies be open to the public.

(1) Principles. The presumption of openness in the OML serves three basic principles:

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

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

(c) To afford the interested public an opportunity to present its views to the public body on matters of public interest.

(2) The City Council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result of this principle, all Council and committee meetings, including special meetings, with the exception of closed meeting, as required by Minn. Stat. Ch. 13, shall be open to the public.

(3) In calculating the number of days for providing notice under the OML, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the day following the Saturday, Sunday, or legal holiday is considered the last day.

(4) In keeping with the intent of the OML, Council members shall not use any form of communications technology, such as text messaging or email, to communicate with another person during a public meeting in a manner that is hidden or shielded from public view.

(5) Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to the Council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings, or anything else otherwise deemed not public by any applicable law.

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

(1) *Closed Meetings.* The OML allows or requires some meetings to be closed to the public for certain defined purposes. When a meeting is closed, the presiding officer at the meeting shall state for the record the reason for closing the meeting and cite the specific provision of law allowing or requiring the meeting to be closed. The presiding officer shall also ensure that meetings are recorded, if required by law.

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

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

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

(1) Appoint an acting mayor, who shall act as mayor in the mayor's absence, pursuant to Minn. Stat. § 412.121;

(2) Select one official newspaper pursuant to Minn. Stat. § 412.831;

(3) *Select an official depository for city funds*. This must be done within 30 days of the state of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd. 1; and 427.09;

(4) Review the Council's bylaws and make any needed changes;

(5) *Assign committee duties to members*. All assignments of Council members to serve on city boards, commissions, and committees shall be by a majority vote of a quorum of a duly called meeting, unless otherwise provided by law;

(6) Approve official bonds that have been filed with the clerk;

(7) Appoint a city attorney; and

(8) Appoint a city engineer.

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

(J) *Ground rules*. Each Council member shall abide by the following ground rules for interaction with each other and with members of the public at Council meetings. All Council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting. Council meetings shall be conducted in a courteous manner that recognizes the validity of differing viewpoints and promotes the ideal of respectful democratic discussion and debate that is free of insult, slander, and personal attacks or threats.

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

(a) Respect each other and the process;

(b) Assume each Council member is being honest and genuine in the expression of his or her views;

(c) Not shame or blame others;

(d) Not talk about people who are not present; and

(e) Respect residents of the city and city staff.

(2) *Listen*. Council members should:

(a) Not interrupt while others are speaking;

(b) Ask clarifying not interrogating questions;

(c) Use "I" statements not "You" statements;

(d) Discuss and debate ideas in a civil manner;

(e) Be respectful of the ideas of others even if they don't agree with your ideas; and

(f) Keep side conversations to a minimum.

(3) *Accountability*. Council members should:

(a) Participate to the best of their ability;

(b) Be responsible for making sure all voices are heard;

(c) Be accountable for what they do and say;

(d) Hold each other accountable in a civil way;

(e) Be responsible for their part of a problem or issue;

(f) Be accountable for the use of information by not misusing information or by providing incorrect information; and

(g) Be responsible for reviewing agenda items and support information.

(4) *Take risks*. Council members should:

(a) Take risks, be authentic and speak truthfully; and

(b) Not be hostile or harassing toward others for taking risks.

(5) *Be open*. Council members should:

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

(b) Be open to partially-formed ideas;

(c) Learn from mistakes;

(d) Be open to a change of heart and mind; and

(e) Not operate from fear.

(6) *Personal reaction*. Council members should not take things personally, and focus

on the ideas being expressed, not the person expressing the ideas.

(7) *General rules of decorum.* To effectuate the following ground rules, all Council members shall conduct themselves at all times in a manner consistent with the following:

(a) No Council member shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the Council;

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

(c) No Council member shall use profane or obscene words or gestures, or unparliamentary language, or use language that threatens harm or violence toward another person during at any time;

(d) No Council member shall speak on any subject other than the subject in debate;

(e) No Council member shall speak without being recognized by the presiding officer, nor shall any Council member interrupt the speech of another Council member;

(f) No Council member shall disobey the Council's Rules of Order and Procedure as adopted or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of Council;

(g) No Council member shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting; and

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

§ 31.02 PRESIDING OFFICER.

(A) *Presiding Officer.* The mayor shall preside at all meetings of the Council unless another person has been designated by majority vote of the Council to preside over any or all meetings for a specific period of time.

(1) *Role of the presiding officer.* The presiding officer shall preserve order, enforce the Council Rules of Order and Procedure as adopted, and determine, without debate, all questions of procedure and order, subject to the final decision of the Council on appeal as provided in this Section. The presiding officer shall determine which member has the right to speak and may move matters to a vote

once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. Except as otherwise provided by statute or by the provisions of this Chapter, the proceedings of the Council shall be conducted in accordance with the latest edition of *Roberts Rules of Order*.

(2) *Adjourning a meeting*. If considered necessary, because of grave disorder as determined by the presiding officer, the presiding officer may adjourn or continue any meeting to another time or suspend the meeting for a specified period of time.

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

(4) *Motions and voting*. The presiding officer may make motions, second motion, speak on any questions, and vote on any matter properly before the Council. This provision does not apply to non-elected presiding officers designated under this section.

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

(6) *Appeals and ruling of the presiding officer*. Any member of the Council may appeal to the full Council a ruling on order or procedure made by the presiding officer.

(7) *Procedure for appeals*. An appeal is made by motion. No second is needed for the motion of appeal. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain their ruling, but no other Council member may participate in the discussion.

(8) Once both the maker of the motion and the presiding officer has spoken, the matter must be voted upon by the Council as a whole.

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

(10) *Temporary designation of a presiding officer*. The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. The presiding officer shall resume presiding as soon as action on

the matter is concluded.

§ 31.03 MINUTES.

(A) Minutes constitute a vital record of the city and are the best means of preserving Council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book. The minute book shall contain, at a minimum, the following:

(1) The Council members who are present;

(2) The type of meeting (regular, special, continued, closed);

(3) Date and place of the meeting;

(4) Time the meeting was called to order;

(5) Approval of minutes of the previous meeting, with any corrections;

(6) The members who make or second any motions;

(7) A record of all members and their vote for any roll call votes;

(8) The subject matter of all proposed resolutions or ordinances;

(9) Whether any resolution or ordinance is approved or disapproved by vote of the Council;

(10) The votes of each member voting, including the mayor, and the votes of any member not voting (e.g. abstentions, including reason for abstention if given, not present);

(11) A statement of the findings of fact and an explanation of Council action, including specific reasons for approval and disapproval of specific resolutions or ordinances, on all land use and licensing matters;

(12) Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount;

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

(14) A list of all transfers of funds;

(15) Authorizations and directions to invest excess funds, and information on investment redemptions and maturities;

(16) The identity of any party to whom a contract was awarded;

(17) Appointments of representatives to committees or outside organizations; and

(18) The name of all citizens appearing before the Council during the public comment period along with a brief summary of the subject matter of their comments.

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

(C) Meeting minutes shall be considered and approved at a future meeting.

(1) Meeting minutes do not need to be read aloud;

(2) The presiding officer shall call for any corrections;

(3) If there is no objection to a correction, it will be made without a vote of the Council;

(4) If there is an objection, the Council shall vote upon the addition or correction by a roll call vote;

(5) Council shall take formal action by vote to approve the minutes as distributed, with any corrections or amendments made as described herein; and

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

§ 31.04 ORDER OF BUSINESS AT REGULAR MEETINGS.

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

(1) *Order of Business*. The standard order of business for Council meetings shall be the following:

(a) Call to Order/Pledge of Allegiance;

(b) Approval of Agenda;

(c) Approval of Minutes from Past Meeting(s);

(d) Public Comment;

(e) Presentations;

(f) Consent Agenda;

(g) Regular Agenda;

(h) Report of the Council;

(i) Reports from City Staff; and

(j) Adjourn.

(B) *Agenda*. An agenda will be prepared for all regular Council meetings by the city clerk/administrator or their designee. Agenda items may be placed on the agenda by the Mayor and a Council member, two Council members or staff. Members of the public wishing to place an item on the agenda must do so by contacting city staff or Council members, or by speaking during the public comment period. No member of the general public may add any items to the agenda.

(1) *Special Meetings*. When a special meeting is called pursuant to applicable law, the agenda for the special meeting must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

(2) *Agenda Procedures*. Any Staff member or Mayor and Council member or two Council members wishing to add an item to any agenda pursuant to this Section shall do so by complying with the following:

(a) All requests to place an item on the posted agenda must be received by the city clerk/administrator by 10 a.m. five days prior to the next Council meeting. For a regularly scheduled Tuesday meeting, the deadline for agenda items would be 10 a.m. on the preceding Thursday.

(b) All requests to place an item on the posted agenda must be on the form prescribed by the city clerk/administrator. The form shall be completed with the goal of clearly describing the subject matter to be considered by the Council and any action requested or required. Supporting information may be attached to the form as necessary.

(c) All requests to place an item on the posted agenda by city staff or Council members must be reviewed by the city clerk/administrator or their designee prior to being included in the agenda.

(d) The agenda, along with all related information materials, will be provided to all City Council members and the city attorney at least three days prior to the Council meeting for which it applies. For a regularly scheduled Tuesday meeting, the packet will be provided by 5 p.m. the Friday preceding.

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

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

(2) An item on the consent agenda may be removed from such agenda for full consideration by the Council upon request made by any member of the Council. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

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

(1) Introduction of item;

(2) Report by staff or other presenter;

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

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

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

(6) Allow questions/comments from the public to Council members. Each member of the public shall state his or her comments in six minutes. Council shall not interrupt or interact until all public comments are completed;

(7) At the conclusion of the round robin process, the presiding officer calls for a motion or discussion among the Council. Discussion on any presentation shall be kept to a minimum, and each Council member shall only speak once on the issue. This action is not an indication that the motion on the table is the motion that will be approved in its current form. It is purely for discussion purposes;

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

(9) Action by the Council on the motion.

(E) *Meeting Schedule.*

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

(2) Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the Council.

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

(4) If all business has not been completed by 12 a.m., the meeting shall be continued to another date and time following the notice provisions contained herein.

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

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

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

(1) Speakers must be recognized by the presiding officer before speaking and are limited to six minutes for comment;

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

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

(4) Speakers must sign up prior to speaking and provide their name, address, and a brief summary of the subject matter which they wish to address. The sign-up sheet will be available at the start of the City Council meeting;

(5) Speakers must direct their remarks toward the presiding officer;

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

(7) Speakers are required to follow the direction of the presiding officer; and

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

(I) *Public Hearings*. Public hearings are sometimes required by law to allow the public to offer input on Council decisions. Unlike public comment periods, public hearings allow the public to speak on a matter currently before the Council. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

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

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

(b) The presiding officer opens the public hearing portion of the meeting;

(c) Staff presentation, if any (i.e. administrator/clerk, attorney, engineer etc.);

(d) Developer/other presentation, if any;

(e) Public comment (all individual comments limited to six minute maximum);

(f) The clerk/administrator shall make note of any submitted written testimony; and

(g) The presiding officer formally closes the public hearing portion of the

meeting.

(2) Speakers who wish to address the Council at a public hearing must follow the same rules as contained herein for public comment periods. The presiding officer may allow more time, where appropriate.

(3) Speakers may also provide written comments to the Council before or at the meeting. Written comments shall be noted and provided to the Council and to anyone else as required by law.

(4) The presiding officer may continue the hearing, if necessary, following the procedures for continuing a meeting contained in this Section.

§ 31.05 VOTING.

(A) The votes of the Council will be taken by voice or hand vote. The presiding officer shall announce the results of all votes of the Council.

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

(C) The presiding officer may ask for a roll call vote to be conducted by the clerk/administrator on any motion of resolution.

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

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

(F) Any Council member may abstain from voting for any reason.

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

§ 31.06 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, PROCLAMATIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the Council shall be in writing and signed by the Mayor, attested by the clerk, and filed by the clerk in the ordinance or resolution book. Unless otherwise provided by law, no ordinance shall require more than one reading and all ordinances shall be adopted by a majority vote of Council members present at the Council meeting. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous

ordinance or resolution or a section or subdivision shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part shall set forth in full each amended section or subdivision as it will read with the amendment.

(C) *Mayoral and city proclamations*. Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of the Council members present and voting at the meeting where such proclamation is presented for adoption.

(D) *Seating assignments*. Council members shall occupy the chairs assigned to them by the presiding officer, but two Council members may exchange seats by joining in a formal request to the presiding officer to do so.

§ 31.07 SUSPENSION OR AMENDMENT OF RULES.

The rules of procedure applicable to Council meetings may be suspended or amended by 2/3rds vote of the Council members present and voting, provided that such action is not in violation of state statutes.

§ 31.08 SALARIES OF MAYOR AND COUNCIL MEMBERS.

The Mayor and Council members shall be paid salaries as determined from time to time by the Council and set by ordinance. An ordinance establishing Council salaries shall be adopted before a regular city election and shall not be effective until January 1 following such election.

§ 31.09 PAYMENT OF SALARIES.

The salaries provided by §§ 31.01*et seq.* shall be paid semi-annually, or more frequently, as directed by the Council.

§ 31.10 COUNCIL TO ACT AS BOARD OF ADJUSTMENT AND APPEALS.

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

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

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

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

(b) The name and address of the appellant;

(c) The grounds for the appeal; and

(d) The relief requested by the appellant.

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

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

(D) *Hearing procedures.*

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

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

(E) *Record of findings.*

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

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

(F) *Decision; appeals.* All decisions of the Board of Adjustment and Appeals acting upon

an appeal from an order, requirement, decision, or determination by an administrative officer or upon an application for a variance shall be final, except that any aggrieved person may have any decision or order of the Board reviewed for an appropriate remedy in district court as provided by law.

§ 31.11 TERMS OF OFFICE.

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

(B) *Mayor*. The Mayor shall be elected for a four-year term commencing with the regular municipal elections to be held in 2008. The first four-year mayoral term shall commence on January 1, 2009.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance No. ____ was adopted on this _____ day of April, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

_____
Mike Pearson, Mayor

ATTEST:

_____
Julie Johnson, City Clerk

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