

**CHAPTER 2.  
CITY COUNCIL AND LEGISLATION**

**Table of Contents**

2.10. <b>Standing Meetings</b> .....	<a href="#">Ch. 2 Pg. 2</a>
2.11. <b>Chairperson</b> .....	<a href="#">Ch. 3 Pg. 2</a>
2.12. <b>Quorum</b> .....	<a href="#">Ch. 3 Pg. 2</a>
2.13. <b>Conduct of Meeting</b> .....	<a href="#">Ch. 3 Pg. 2</a>
2.14. <b>Mayor’s Duties</b> .....	<a href="#">Ch. 3 Pg. 2</a>
2.15. <b>Speaking</b> .....	<a href="#">Ch. 2 Pg. 2</a>
2.16. <b>Members Speaking</b> .....	<a href="#">Ch. 2 Pg. 2</a>
2.17. <b>Call to Order</b> .....	<a href="#">Ch. 2 Pg. 2</a>
2.18. <b>Motion in Writing</b> .....	<a href="#">Ch. 2 Pg. 2</a>
2.19. <b>Resolution in Writing</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.20. <b>Debate</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.21. <b>Division on Request</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.22. <b>Questions</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.23. <b>Previous Question</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.24. <b>Committee Appointments</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.25. <b>Standing Committee</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.26. <b>Committee Action</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.27. <b>Ordinances</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.28. <b>Petitions</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.29. <b>Bar of Council</b> .....	<a href="#">Ch. 2 Pg. 3</a>
2.30. <b>Open Meetings and its Committees</b> .....	<a href="#">Ch. 2 Pg. 4</a>
2.39. <b>Workmen’s Compensation Insurance Required</b> .....	<a href="#">Ch. 2 Pg. 6</a>
2.40. <b>Mayor and Council Person Salaries</b> .....	<a href="#">Ch. 2 Pg. 6</a>
2.50. <b>Administrative Citations and Civil Penalties.</b> .....	<a href="#">Ch. 2 Pg. 6</a>
2.51. <b>Purpose.</b> .....	<a href="#">Ch. 2 Pg. 6</a>
2.52. <b>General Provisions.</b> .....	<a href="#">Ch. 2 Pg. 6</a>
2.53. <b>Administrative Citation.</b> .....	<a href="#">Ch. 2 Pg. 7</a>
2.54. <b>Administrative Hearing.</b> .....	<a href="#">Ch. 2 Pg. 7</a>
2.55. <b>Administrative Review.</b> .....	<a href="#">Ch. 2 Pg. 9</a>
2.56. <b>Judicial Review.</b> .....	<a href="#">Ch. 2 Pg. 9</a>

2.57. **Recovery of Civil Penalties.** . . . . . [Ch. 2 Pg. 10](#)  
2.58. **Criminal Penalties.** . . . . . [Ch. 2 Pg. 10](#)  
2.59. **State and Administrative Citations.** . . . . . [Ch. 2 Pg. 10](#)

2.10. **Standing Meetings.** The Council shall have regular Council meetings held once per month at the City Council Chambers in the City Hall, the City of Tyler. The Council shall designate by resolution at the first meeting in January of each year the day for subsequent Council meetings during that calendar year. In the event that the regular scheduled meeting shall fall on a holiday, the Council meeting shall be on the next succeeding business day. The Council may also call adjourned and special sessions at such other time as the Council may deem proper.

2.11. **Chairperson.** 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 trustees shall elect one of their number as temporary chairman. The acting Mayor and temporary chairman when occupying the place of the Mayor shall have the same privileges as other members.

2.12. **Quorum.** At all meetings of the Council, a majority of the Council members elected shall constitute a quorum to do business, but a minority may adjourn from day to day and may compel the attendance of absentees, by a fine not exceeding ten dollars for each offense, unless a reasonable excuse be offered.

2.13. **Conduct of Meeting.** At the hour appointed for meeting, the members shall be called to order by the Mayor, and in his absence by the acting Mayor, and in the absence of both, by the City Administrator. The City Administrator shall call the roll, note the absentees and announce whether a quorum be present. In the absence of the City Administrator, the Mayor shall appoint a secretary protem. Upon the appearance of a quorum, the Council shall proceed to business which shall be conducted in the order set by the Council.

2.14. **Mayor’s Duties.** The Mayor shall preserve order and decorum and shall decide questions on order subject to an appeal to the Council. The Mayor may make motions, second motions, or speak on any question provided, however, that in order to do so, upon demand of any one Council member, he shall vacate the chair and designate a trustee to preside temporarily. The Mayor shall be entitled to vote like other members of the Council.

2.15. **Speaking.** Every member, before speaking, shall address the chairman and shall not proceed until he has been recognized by the chair. He shall indulge in no personalities and shall confine his remarks to the matter under debate.

2.16. **Members Speaking.** No member shall speak more than twice on any question, nor more than five minutes each time without unanimous consent of the Council.

2.17. **Call to Order.** A member called to order shall immediately suspend his remarks until the point of order is decided by the chair.

2.18. **Motion in Writing.** Every motion except to adjourn, postpone, reconsider, commit, lay on the table or for the previous question shall be reduced to writing if the chair or member requests it. When made and seconded it shall be stated by the chairman or being written shall be read by the City Administrator, and may be withdrawn before decisions or amendment, or any disposition thereof has been made, or a vote taken thereon.

2.19. **Resolution in Writing.** All resolutions shall be in writing.

2.20. **Debate.** When a question is under debate, no motion shall be entertained unless to adjourn, to lay on the table, to act on the previous question, to postpone, to commit, or to amend, which several motions shall have precedence in the order in which they are named, and the first three shall be decided without debate.

2.21. **Division on Request.** Any question shall be divided at the request of any member when the question can be reasonably divided.

2.22. **Questions.** All questions shall be put in the order in which they are moved, except in case of privileged questions.

2.23. **Previous Question.** The previous question shall be put in these words; A Shall the main question now be put?@ It shall be admitted on demand of any two members, and until decided shall preclude all amendments and debate of the main question.

2.24. **Committee Appointments.** All committees including standing committees shall be nominated by the Mayor, subject to approval by the Council.

2.25. **Standing Committee.** The standing committees of the Council shall be established by the Council and shall consist of two members. The first member nominated by the Mayor and approved by the Council shall be the chairperson.

2.26. **Committee Action.** It shall be the duty of the committees to act promptly and faithfully

in matters referred to them, and to make their reports at the next meeting of the Council.

2.27. **Ordinances.** After an ordinance shall have passed, a complete and accurate copy as amended shall be made by the City Administrator and shall be signed by the Mayor or in his absence by the acting Mayor, and deposited with the City Administrator, who shall attest, seal, number, file, and record or place the same permanently in the ordinance book. Entry of the complete ordinance as amended directly into the ordinance book and original signatures and seal thereon shall be compliance with this action. The affidavit of publication shall be permanently inserted in the ordinance book after each ordinance.

2.28. **Petitions.** Petitions and other papers addressed to the Council shall be read by the City Administrator upon presentation of the same to the Council.

2.29. **Bar of Council.** No person, other than the Mayor and other members of the Council shall be admitted within the Bar of the Council, except City officers. No person other than a member shall address the Council except with the consent of the members present or by a vote of a majority of the members present.

2.30. **Open Meetings and its Committees.** All sessions of the Council shall be public.

2.31. **Police Chief to Preserve Order.** The chief of police or chief law enforcement officer shall attend meetings of the Council when requested to do so by the Mayor and preserve order in the room.

2.32. **Suspension of Rules.** These rules, or any of them, may be temporarily suspended by consent of a majority of all Councilmen, and shall not be repealed, altered, or amended, unless by vote of a majority of the whole Council, and upon notice given at some preceding meeting.

2.33. **Robert's Rules of Order to Govern.** In all points not covered by these rules the Council shall be governed in its procedure by Robert's Rules of Order.

2.34. **Rules to Expedite Meeting.** The foregoing rules are adopted to facilitate the transaction of Council business and functions. They should not be permitted to defeat or hinder the plainly expressed intent and desire of the Council. Informal compliance and substantial performance shall be sufficient under the foregoing rules in the absence of objections reasonably taken as to procedural matter provided for herein. If a Council member present at a meeting fails to object during the meeting and request compliance with these rules, such objection shall not be reasonably taken by an absent member later than such at the next regular meeting after the proceeding to which objection is made.

2.35. **Adjournment.** The Council may at any time by a majority vote of those present, adjourn

from time to time to a specific date, place and hour whether or not a quorum is present.

2.36. **Special Meetings.** Special meetings may be called by the Mayor. Special meetings may be called by two members in writing, filed with the City Administrator at least one week prior to the time specified for the meeting, unless emergency conditions shall require immediate action. The City Administrator shall mail a notice at least one day before the meeting to all members of the time and place of the meeting and its purpose, if the purpose be stated in the call filed with him. The City Administrator shall prepare and file in his office an affidavit by him showing mailing of such notice in the manner here prescribed.

2.36.1. **Special Meeting by Citizen Request.** A person may request the City Council of the City of Tyler to hold a special meeting to hear, conduct, or consider matters which might otherwise be addressed or considered by the City Council. In the event of such a request, the requesting person shall deliver to the City Administrator a written request for such special meeting in such format as shall be approved by the City. The person shall further tender to the City a sum of money calculated to represent the actual cost to the City of convening such meeting for the convenience of the person. If such payment is not received by the City at the time of the request for meeting, the City will not conduct such special meeting. If such application and payment is received, the Mayor and City Administrator may convene such meeting or may poll the members of the City Council to determine the appropriateness of scheduling such meeting. If no special meeting is held, any monies so tendered by the person shall be returned to such person.

2.37. **Manner of Voting.** Votes of the members on any business coming before the council may be by voice vote, standing vote, or in such other manner of voting as may signify the intention of the members. Aye and nay shall be taken upon any motion at the request of one member and the results entered in the minutes. Every member shall vote in such case unless the council by majority vote shall excuse a member from voting.

2.38. **Minutes.** The minutes of the meeting shall be kept by the City Administrator, or the designee of the City Council. The minutes shall be signed by the City Administrator, and shall constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council the Mayor shall sign the minutes. Lack of the Mayor's signature or council approval shall not invalidate such minutes as official records.

2.38.1. In the event the City Administrator shall fail or decline to amend or change the minutes, upon informal request, at the time they are submitted for approval, the Council may, by motion carried by majority vote, amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

2.39. **Workmen's Compensation Insurance Required.** All elected officials of the City of Tyler, including the Mayor and Council Members shall be insured by Workmen's Compensation Insurance.

2.40. **Mayor and Council Person Salaries.** The annual salary of the Mayor shall be \$100.00 per month. The annual salary for each council member shall be \$75.00 per month. The Mayor and members of the Council shall be reimbursed for their attendance at regular and special meetings of the City Council and selected committees. The per diem rate for special and regular meetings of the Council and selected committees may be modified by resolution of the Council, as set forth in Chapter 18.

2.50. **Administrative Citations and Civil Penalties.** Sections 2.51 through 2.59 shall govern administrative citations and civil penalties for violations of the Tyler City Code.

2.51. **Purpose.** The city council finds that there is a need for additional alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent enforcement mechanism, the administrative enforcement of the municipal code may increase compliance with the Code, encourage citizens to become involved in the process of enforcement, and is more informal and cost effective by keeping minor violations out of the criminal court system. Accordingly, the city council finds that the use of administrative citations and the imposition of civil penalties is a legitimate alternative method of enforcement of the Municipal Code that is also an effective way to promote the health, safety, and welfare of the citizens. This method of enforcement shall be in addition to and not exclusive of any other legal remedy including the filing of criminal charges which may be pursued for City Code violations.

2.52. **General Provisions.**

- (a) A violation of any provision of the City Code is an administrative offense, which may be subject to an administrative citation and civil penalties pursuant to sections 2.50 through 2.59. Each day a violation exists constitutes a separate offense.
- (b) An administrative offense may be subject to a civil penalty not exceeding two thousand dollars (\$2,000.00).
- (c) The city council shall adopt by resolution a schedule of fines for offenses initiated by administrative citation. The city council is not bound by that schedule when a matter is appealed to it for administrative review. The city council shall adopt a schedule of fees to be paid to administrative hearing officers.
- (d) The city administrator must adopt procedures for administering the administrative citation program.

### 2.53. **Administrative Citation.**

- (a) Any person authorized to enforce provisions of the City Code may issue an administrative citation upon belief that a Code violation has occurred. The citation will be issued in person or by mail to the person responsible for the violation or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation.
- (b) The person responsible for the violation must either pay the scheduled fine or request a hearing within fourteen (14) days after issuance. Payment of the fine constitutes admission of the violation. A late payment fee of ten (10) percent of the scheduled fine amount shall be imposed in accordance with section 2.57.
- (c) The following persons are specifically authorized to issue administrative citations:  
  
City Police Officers and County Sheriff and Deputies;  
City Administrator;  
Public Works Director;  
Animal Control Officers; and,  
Persons authorized by City Administrator and City Council.

### 2.54. **Administrative Hearing.**

- (a) The city council shall periodically approve a list of people, from which the city administrator will randomly select a hearing officer to hear and determine a matter for which a hearing is requested. The hearing officer is a public officer as defined by Minnesota Statutes section 609.415. The hearing officer must not be a city employee. The city administrator shall establish a procedure for evaluating the competency of the hearing officers, including comments from people charged with violations and city staff. These reports shall be provided to the city council.
- (b) The person charged with a violation may request a hearing before a single hearing officer or a panel of three (3) hearing officers.
- (c) The person charged with a violation shall have the right to request no later than five (5) days before the date of the hearing that the assigned hearing officer(s) be removed from the case. One such request for each case will be granted automatically by the city administrator. A subsequent request must be directed to the assigned hearing officer(s) who will decide whether he or she can fairly and objectively review the case. The city enforcement officer may remove a hearing officer(s) only by requesting that the assigned hearing officer(s) find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the city administrator shall assign another hearing officer(s).
- (d) Upon the hearing officer's own initiative or upon the written request of the person charged with a violation or the city, the officer may issue a subpoena for the attendance of a witness or the production of books, papers, records, or other documents that are material to the matter being heard.

The party requesting the subpoena shall be responsible for serving the subpoena in the manner provided for in civil actions and for paying the fees and expenses of any witness. A person served with a subpoena may file an objection with the hearing officer promptly but no later than the time specified in the subpoena for compliance. The officer may cancel or modify the subpoena if it is unreasonable or oppressive. Any person who, without just cause, fails or refuses to attend and testify or to produce the required documents in obedience to a subpoena shall be guilty of a misdemeanor. Alternatively, the party requesting the subpoena may seek an order from district court directing compliance.

- (e) Notice of the hearing must be served in person or by mail on the person charged with the violation at least ten (10) days in advance of the hearing, unless a shorter time period is agreed to by all parties. At the hearing, the parties will have the opportunity to present testimony and question any witnesses, but strict rules of evidence shall not apply. The hearing officer shall tape record the hearing and receive testimony and exhibits. The officer shall receive and give weight to evidence, including hearsay evidence, which possesses probative value that is not outweighed by prejudicial effect.
- (f) The hearing officer has the authority to determine that a violation occurred, to dismiss a citation, to impose the scheduled fine, and to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the hearing officer will consider the following factors:
  - (1) The duration of the violation;
  - (2) The frequency or re-occurrence of the violation;
  - (3) The seriousness of the violation;
  - (4) The history of the violation;
  - (5) The violator's conduct after issuance of the notice of hearing;
  - (6) The good faith effort by the violator to comply;
  - (7) The economic impact of the penalty on the violator;
  - (8) The impact of the violation upon the community; and
  - (9) Any other factors appropriate to a just result.
- (g) The hearing officer may exercise discretion to impose a fine for more than one day of the continuing violation, but only upon a finding that (1) the violation caused a serious threat of harm to the public health, safety, or welfare or that (2) the accused intentionally and unreasonably refused to comply with the code requirement. The hearing officer's decision and supporting reasons must be in writing.
- (h) Except for matters subject to administrative review under section 2.55, the decision of the hearing officer is final without any further right of administrative appeal. In a matter subject to administrative review under section 2.55, the hearing officer's decision may be appealed to the city council by submitting a request in writing to the city clerk within ten (10) days after the hearing officer's decision.



- (i) The failure to pay the fine or request an appeal within thirty (30) days after the citation or the failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the person charged with a violation; a court order requiring the person charged to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" shall not include: forgetfulness and intentional delay.

**2.55. Administrative Review.**

- (a) The hearing officer's decision in any of the following matters may be appealed by any party to the city council for administrative review:
  - (1) An alleged failure to obtain a permit, license, or other approval from the city council as required by an ordinance;
  - (2) An alleged violation of a permit, license, other approval, or the conditions attached to the permit, license, or approval, which was granted by the city council; and
  - (3) An alleged violation of regulations governing a person or entity who has received a permit, license, or approval granted by the city council.
- (b) The appeal shall be heard by the city council after notice of the hearing is served in person or by registered mail upon the person charged. The notice shall be served at least ten (10) days in advance of the hearing. The parties to the hearing shall have an opportunity to present oral or written arguments regarding the hearing officer's decision.
- (c) The city council shall consider the record, the hearing officer's decision, and any additional arguments before making a determination. The council is not bound by the hearing officer's decision, but may adopt all or part of the officer's decision. The council's decision must be in writing.
- (d) If the council makes a finding of a violation, it may impose a civil penalty not exceeding two thousand dollars (\$2,000.00) per day per violation, and may consider any or all of the factors contained in section 2.54(e). The council may also reduce, stay, or waive a fine unconditionally or based on reasonable and appropriate conditions.
- (e) In addition, to imposing a civil penalty, the council may suspend or revoke any city-issued license, permit, or other approval associated with the violation, if the procedure in city code **section 12.60 (Chapter 12 Alcoholic Beverages, Cigarettes and Controlled Substances)** has been followed. The hearing required in that section shall be satisfied by the hearing before the hearing officer with the right of appeal to the city council.

**2.56. Judicial Review.** An aggrieved party may obtain judicial review of the decision of the hearing officer or the city council in accordance with state law. The request for judicial review shall be filed in Lincoln County District Court and served upon the city clerk within thirty (30) days of the final decision.

**2.57. Recovery of Civil Penalties.**

- (a) If a civil penalty is not paid within the time specified, it shall constitute:
  - (1) A lien upon the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation and the property owner was found responsible for that violation, or
  - (2) A personal obligation of the violator in all other situations.
- (b) A lien may be assessed against the property and collected in the same manner as taxes.
- (c) A personal obligation may be collected by any appropriate legal means.
- (d) A late payment fee of ten (10) percent of the fine shall be assessed for each thirty (30) day period, or part thereof, that the fine remains unpaid after the due date.
- (e) During the time that a civil penalty remains unpaid, the provisions of City Code section 12.60 shall apply to any license, permit, or other city approval sought by the violator or for property under the violator's ownership or control.
- (f) Failure to pay a fine is grounds for suspending or revoking a license associated with the violation.

**2.58. Criminal Penalties.** The following are misdemeanors, punishable in accordance with state law:

- (1) Failure, without good cause, to pay a fine or request a hearing within thirty (30) days after issuance of an administrative citation.
- (2) Failure, without good cause, to appear at a hearing which was scheduled under section 2.54.
- (3) Failure to pay a fine or comply with conditions imposed by a hearing officer within thirty (30) days after it was imposed, or such other time as may be established by the hearing officer, unless the matter is appealed under section 2.55.
- (4) Failure to pay a fine or comply with conditions imposed by the city council within thirty (30) days after it was imposed, or such time as may be established by the city council.

**2.59. State Administrative Citations.** The authority to issue administrative citations for the enforcement of city ordinances provided by this chapter is separate and distinct from the authority to issue administrative citations for the enforcement of certain state law offenses provided by Minnesota Statutes, Section 169.999.