

ORDINANCE NO. 2010-02

**AN ORDINANCE AMENDING MINNETONKA CITY CHARTER
SECTIONS 2.06, 3.04, 7.09, AND 7.18,
REGARDING COUNCIL VACANCIES, COUNCIL VOTING,
BUDGET CONTINGENCY, AND COMMUNITY INVESTMENT FUND**

The City of Minnetonka Ordains:

Section 1. Preamble.

The Minnetonka charter commission voted on November 12, 2009, to recommend amendments to sections of the Minnetonka charter. Notice of a public hearing on the proposed amendments, including the text of the proposed amendments, was published in the city's official newspaper on February 2, 2010. The public hearing was held on February 22, 2010 before the city council, at which time all people desiring to be heard were given an opportunity to address the council. After considering the advice of the charter commission and any comments from citizens, the city council has determined that the following amendments are relatively minor and may be appropriately adopted by ordinance rather than by an election.

Section 2. Subdivisions 5 and 6 of section 2.06 of the Minnetonka city charter are amended to read as follows:

Subd. 5. If a person is appointed to the vacant position, An a special election to fill the remainder of the term a vacancy must be held at the next regular municipal election ~~when~~ if:

(a) the vacancy is has been declared, or has automatically ~~occurs~~ occurred, before the first day to file affidavits of candidacy for the next regular municipal election; and

(b) more than two years remain in the unexpired term.

In that case, the appointed council member will serve until a qualified successor is elected at the special election. The council member elected will fill the unexpired portion of the term.

Subd. 6. No special election is required to fill a vacancy after an appointment has been made ~~when~~ if:

(a) the vacancy is has been declared, or has automatically ~~occurs~~ occurred, on or after the first day to file affidavits of candidacy for the next regular municipal

The ~~stricken~~ language is deleted; the underlined language is inserted.

election; or

(b) two years or less remain in the unexpired term.

In that case, the appointed council member will serve until expiration of the position's term.

Section 3. Section 3.04 of the Minnetonka city charter is amended to read as follows:

Section 3.04. Voting Procedure.

Subd. 1. Each council member's vote on motions, resolutions, and ordinances must be recorded, unless the vote is unanimous.

Subd. 2. Only the number of council members eligible to vote will be counted when this charter provides a voting requirement, such as "a majority of all council members." The total number of council members eligible to vote on a matter does not include vacancies that exist under the provisions of section 2.06 and council members who cannot vote because of a legally recognized conflict of interest on the matter.

Section 4. Section 7.09 of the Minnetonka city charter is amended to read as follows:

Section 7.09. Contingency Amount in Budget.

The council may include a contingency amount in the budget that does not exceed 10 percent of the total. The council may transfer funds from the contingency amount to another line item only by approval of at least five members. The amount transferred may be used only for the purpose designated. ~~Salary or benefit increases for city employees will not be specifically budgeted in the general fund and will be paid by transfer from the contingency amount approved by at least four council members.~~

Section 5. Section 7.18 of the Minnetonka city charter is amended by the addition of a new subdivision 3 to read as follows:

Subd. 3. When the city sells an asset that was purchased with money from the community investment fund, the city's proceeds from the sale must be returned to the community investment fund, unless money from other city funds was used to construct, purchase, enlarge, or renovate the asset, in which case the proceeds must be distributed on an equitable basis.

The ~~stricken~~ language is deleted; the underlined language is inserted.

Section 6. This ordinance is effective 90 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 8, 2010.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: February 22, 2010

Date of adoption: March 8, 2010

Motion for adoption: Wagner

Seconded by: Allendorf

Voted in favor of: Allendorf, Ellingson, Greves, Hiller, Schneider, Wagner, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

CERTIFIED COPY:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on March 8, 2010.

David E. Maeda, City Clerk