

### **TITLE III: ADMINISTRATION**

#### Chapter

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- 31. ADMINISTRATIVE CODE**
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## CHAPTER 30: EMERGENCY MANAGEMENT

### Section

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### § 30.01 PURPOSE.

(A) Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, from sabotage or hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with disasters, and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this city, the following are hereby found and declared to be necessary:

(B) (1) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;

### § 30.02 INTERPRETATION AND EFFECT.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter, the Workers' Compensation law, or any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

### § 30.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISASTER.** A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

**EMERGENCY.** An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

**EMERGENCY MANAGEMENT.** The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as “civil defense” functions.

**EMERGENCY MANAGEMENT FORCES.** The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers and private organizations and agencies.

**EMERGENCY MANAGEMENT ORGANIZATION.** The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

### § 30.04 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

(A) There is hereby created within the city government, the Emergency Management Organization which shall be under the supervision and control of the City Emergency Management Director, called the Director.

(B) The Director shall be appointed by the Mayor for an indefinite term and may be removed at any time. The Director shall serve with a salary and shall be paid necessary expenses.

(C) The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

**§ 30.05 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the state emergency plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions, subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the state and city emergency plans, the Director shall institute training programs and public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the city emergency plan when a disaster occurs.

(E) The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's Emergency Management Organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure

emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

### **§ 30.06 LOCAL EMERGENCIES.**

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk/Administrator.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

### **§ 30.07 EMERGENCY REGULATIONS.**

(A) Whenever necessary to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may, by resolution, promulgate regulations consistent with applicable federal or state law or regulations respecting the conduct of persons and the use of property during emergencies, the repair, maintenance and safeguarding of essential public services, emergency health, fire and safety regulations, drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health and welfare in declared emergencies.

(B) (1) Every resolution of emergency regulations shall be in writing, shall be dated, shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk/Administrator. A copy shall be kept posted and available for public inspection during business hours.

(2) Notice of the existence of these regulation and their availability for inspection at the City Clerk/Administrator's Office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which

it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time, and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 10.99

**§ 30.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.**

The Emergency Management Organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.





## CHAPTER 31: ADMINISTRATIVE CODE

### Section

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### ***Cross-reference:***

*Heritage Preservation Commission, see §§ 150.150 et seq.*  
*Tree Board, see § 96.02*

### **§ 31.01 ADMINISTRATIVE CODE.**

This chapter is the administrative code of the city as required by § 6.03 of the Charter of the City of Ortonville.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### **§ 31.02 POLICE DEPARTMENT.**

(A) The city shall have a Police Department.

(B) The head of the Department shall be known as the Chief of Police and he or she shall be appointed by the Council. The number of additional members and employees of the Police Department to be regularly employed shall be determined by the Council, by resolution, which may be amended or changed from time to time. The Chief of Police shall have, without the approval of Council, authority to appoint additional members to the police force for temporary duty when, in his or her judgment, an emergency exists for the preservation of life or property.

(C) (1) The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and they shall perform duties as are required of them by the provisions of any state law, of the City Charter, or of any ordinance of the city.

(2) The Chief of Police shall have general superintendence of the Police Department and custody of property used and maintained for Department purposes, and it shall be his or her duty on or before the first day of July each year to file detailed inventory with the City Clerk/Administrator of all property.

(3) It shall also be the duty of the Chief of Police on or before the tenth day of each month to file with the City Clerk/Administrator a report as to all arrests made by his or her Department during the previous month.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

***Cross-reference:***

*Civil Service Commission, see § 31.11*

**§ 31.03 FIRE DEPARTMENT.**

(A) (1) A volunteer Fire Department shall be under the control of the Council.

(2) The present constitution and by-laws of the Department shall be continued; future changes shall be subject to confirmation and approval by the Council.

(B) (1) The members of the Department shall continue to elect their own Chief, Assistant Chief and other officers subject to confirmation and approval by the Council.

(2) The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of the Department. He or she shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and ordinances of the city relative to a Fire Department and to the prevention and the extinguishment of fires are duly observed.

(3) He or she shall superintend the preservation of all property endangered by the fire and shall have control and direction of all persons engaged in preserving the property.

(4) In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to the responsibilities of the Chief.

(5) It shall also be the duty of the Chief of the Fire Department on or before the first day of July in each year to file a detailed inventory with the City Clerk/Administrator of all property used and maintained for the Department and he or she shall also, on or before the tenth day of each month, file with the City Clerk/Administrator a report as to all fires occurring during the previous month stating the probable cause.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

**§ 31.04 STREET DEPARTMENT.**

(A) (1) A Street Department shall be under general control of the Council but directly under the control of the City Clerk/Administrator as their agent.

(2) The acting head of this Department shall be known as the Superintendent and he or she shall be appointed by the Council, and his or her term shall expire on April 1 of each calendar year.

(3) All streets and alleys within the city, all city parks and parkways including recreational areas,

except golf courses, and all city storm sewers shall be under direct supervision of the Street Commissioner, and in addition, it shall be his or her duty to see that the laws of the state and ordinances of the city relating to weed control and eradication are observed.

(4) He or she shall also be supervisor of all buildings.

(5) He or she shall have supervision of all labor and custody of all property used and maintained for the purposes of the Department and he or she shall have authority to hire necessary labor, and make expenditures for materials on behalf of the city for snow removal, for weed control and eradication, for the repair and cleaning of debris off streets, alleys, parks and parkways including recreational areas and storm sewers in case of damage from storms.

(B) It shall be his or her duty on or before the first day of July in each year to file a detailed inventory with the City Clerk/Administrator a report as to the condition of the streets, alleys, parks and parkways including recreational areas, storm sewers and sidewalks, and his or her recommendation as to any repairs or improvements which, in his or her judgement, are required.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

**§ 31.05 PUBLIC WORKS DEPARTMENT.**

(A) A Public Works Department shall be as provided in Chapter 6 of the City Charter.

(B) As head of the Department, the City Clerk/Administrator shall be in charge of the overall activities of the Public Works Department.

(C) There shall be three divisions of the Public Works Department and all divisions shall be coordinated by the City Clerk/Administrator.

(1) There shall be a Director of the Water and Light Division whose responsibilities shall encompass the Water and Light Division, the sewer system of the city, the golf course and who shall also be the Plumbing Inspector.

(2) There shall be a Director of the Waste Treatment Division, who shall have the general management, operation and maintenance of the waste treatment of the city; and the City Clerk/Administrator shall have the management, supervision and maintenance of the airport and the garbage and waste collections and disposals.

(D) The heads of all divisions are to file with the City Clerk/Administrator on or before the tenth day of each month a written report on each public utility with recommendations as to any repairs or improvements he or she deems advisable, and on or before the first day of July in each year file a detailed inventory with the City Clerk/Administrator of all property used or maintained for the Public Utilities Department.

(E) (1) The city shall have a first lien upon all property where it has furnished the services of any public utility for sums due the city for services, including labor or materials furnished, whether the same was furnished at the request of the owner, lessee or occupant.

(2) All amounts remaining unpaid on the first day of October each year shall be levied and assessed by resolution of the Council against each lot, piece or parcel of land where the service has been furnished or to be collected in the manner provided for the collection of general taxes, or the lien may be foreclosed by appropriate action at law.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### § 31.06 HEALTH CARE BOARD.

(A) *Formation.* There is hereby created under the Public Utility Department of the City of Ortonville a governing board to be known as the "Health Care Board", hereinafter referred to as the "Board" which shall have the duties and powers prescribed herein and such other duties and powers as from time to time may be prescribed by the Council.

(B) *Composition.*

(1) *Membership.* The Board shall consist of seven members, two of whom shall be members of the City Council. All members of the Board shall have one vote and serve with such compensation as determined by the City Council. There may also be one ex-officio member (non-voting) who will be a licensed physician of the State of Minnesota.

(2) *Terms and vacancies.* All appointments to the Board shall be made by the Mayor with the approval of the Council of the City of Ortonville. All Board members appointed will serve for three year terms and limited to four consecutive terms. All Board members shall hold their office until their successors shall have been appointed and shall have qualified. Any vacancies occurring in the membership of the Board shall immediately be filled by the Mayor with approval of the Council, but only for the unexpired term of the vacated member. The terms of the Board shall commence January 1st.

(C) *Organization of Board:*

(1) (a) *Officers.* The officers of the Board shall be a President, Vice-President, Secretary, Treasurer, Chief Executive Officer and such other officers as may be authorized by the Board. Officers of the Board shall be elected annually. All of the officers except the Chief Executive Officer shall be chosen from among the appointed members of the Board.

(b) The President shall preside at all meetings.

(c) All documents necessary to be executed by the Board shall be signed by the President or the Vice-President in the absence of the President, and attested to by the Chief Executive Officer or the Chief Financial Officer in the absence of the Chief Executive Officer.

(d) The Vice-President shall perform the duties of the President in case of his or her absence or disability.

(e) The Secretary shall keep a complete record of the minutes of each meeting and of all proceedings of the Board. The Treasurer shall cause to be kept a full, true and complete record of all monies received and disbursed by the Board according to applicable provisions of law and in line with standard accounting practices. Monthly financial statements and data shall be furnished to the Board. The Health Care Board may appoint a representative to perform the duties of the Secretary and/or the Treasurer.

(f) The Board may prescribe such additional powers and duties for its officers as may be consistent with the provisions of this section and the City Charter. Vacancies in any of the offices shall be filled by the Board.

(2) *Meetings.* The Board shall meet not less than once each month, and at such other and further times as may be deemed necessary, or at the call of the President of the Board, with times and locations as established by the Board. A majority shall constitute a quorum, but a smaller number may adjourn from time to time. An affirmative vote of a majority of the members of the Board constituting a quorum present and voting at the meeting shall be necessary for the transaction of any business.

(D) *Powers and duties of the Board.*

(1) The Board shall make and adopt such bylaws, policies and procedures as are necessary for the performance of its duties, for their guidance and for the government and management of the facilities as may be expedient and proper, and such policies and procedures for the admission of patients to the hospital and admission of residents to the nursing home as they may deem proper and expedient.

(2) The Board shall have the management and control of the Ortonville Municipal Hospital and clinics, Northridge Residence Nursing Home, and any other health care facilities hereinafter acquired by the city and the grounds and property surrounding the same as a part of said property, and of all buildings situated thereon, and of all personal property, appliances and equipment of the facilities (collectively Ortonville Area Health Services - OAHS).

(3) The Board shall collect all monies from patients and residents for services rendered by OAHS for care according to an established schedule of rates for the various services and shall deposit such monies to the account of OAHS, which funds shall be used for the purpose of paying the expenses and upkeep of the operation of the hospital and nursing home, or its equipment and the grounds upon which it is situated, and for any extensions, improvements, betterments or new equipment which may be needed and in addition,

without limitation, equity contributions for such other lawful city purposes as the Board may determine from time to time.

(4) The Board shall have control of the expenditures of all such monies so collected and placed to the credit of said funds and said monies shall be paid out only upon properly approved bills. All expenditures shall be made by means of an appropriate draft signed by the President or Vice-President of the Board and countersigned by the Chief Executive Officer or Chief Financial Officer.

(5) The Board shall have the power to appoint or employ one or more suitable administrators of each of the facilities and may delegate to the administrator(s) the duty of hiring and firing personnel as required for the safe, efficient and effective conduct of the facilities. The Board shall establish the rate of compensation for all employees of the facilities, establish personnel policies for the conduct of the employees as is deemed advisable and in accordance with state and federal regulations, and shall, in general, have charge of the facilities and each of their equipment and grounds upon which same is erected, establishing admission policies for patients and residents, and the establishing of fees and charges for the patients and residents in the facilities for use of the buildings, services and equipment in keeping with the financial needs of each facility.

(6) The Board shall also have the power to:

(a) Contract for supplies, materials, equipment, facilities, and labor, subject to compliance with competitive bidding requirements as may be required by law.

(b) In general to have all the powers which the Council would have in the operation of OAHS as a municipal hospital, clinic, nursing home, home health agency or any other health care facilities

hereinafter acquired by the city, including the hiring and firing of personnel, but subject in all respects to the over-riding power of the Council as hereinafter provided.

(7) The Board shall not:

(a) Borrow money in an amount greater than \$250,000, issue bonds, or encumber any asset of OAHS without the prior approval of the Council;

(b) Purchase or lease capital assets greater than \$250,000, make any capital improvement or approve any new operating contracts in excess of the approved annual budgets without the prior approval of the Council;

(E) *Removal of members of the Board.* The City Council, upon the recommendation of the Board, shall have the power to remove any member of the Board for misconduct, neglect of or inattention to his or her Board duties. A vote of five members of the Council shall be required for the removal of a Board member.

(F) *Reports to the City Council.*

(1) The Board shall prepare or cause to be prepared and filed with the City Council and City Clerk-Administrator of the City of Ortonville each month, a monthly balance sheet showing ending balances for the month and a monthly operating statement.

(2) *Minutes of meetings.* The Secretary shall furnish the City Council and the City Clerk-Administrator with copies of the minutes of each Board meeting and of all proceedings of the Board within ten working days after any meeting of the Board.

(3) *Annual budget and annual report.* On or before November 1st each year, the Board shall

prepare or cause to be prepared and filed with the City Clerk/Administrator an annual budget for approval of the Council. In addition, on or before the first day of January each year, the Board shall prepare or cause to be prepared a report containing a complete record of OAHS's earnings, expenditures, assets, liabilities, property and a general summary of its business transactions of the previous fiscal year and the same shall be filed with the Council and the City Clerk/Administrator. The Board shall also furnish audited financial statements and annual report of OAHS within 150 days following the end of the fiscal year to be filed with the Council and the City Clerk/Administrator.

(4) *Over-riding power of the Council.* The Council shall have the power to overrule by the affirmative vote of at least five members thereof any action of the Board with the exception of personnel appointments, other than the appointment of the Chief Executive Officer at the next Council meeting following the receipt by the Clerk of the minutes of the Board containing such action. If the Council fails or refuses to overrule such action at the meeting, the action shall be absolute; provided, however, that if the Council desires to consider the matter further, it may by resolution defer action on the matter for a period not to exceed 30 days or to the next scheduled Council meeting. No such action shall be deemed to have been presented to the Council unless it shall have been included in the minutes of a duly constituted meeting of the Board and the text of any resolution, rule, and regulation attached thereto in full. It shall be the duty of the City Clerk to transmit the minutes, resolution, rules and regulations to the Council at the next Council meeting following receipt thereof.

(Ord. 09-06, passed 5-18-2009; Am. Ord. 21-01, passed 1-19-2021)

### § 31.07 LIBRARY BOARD.

There is hereby created a Library Board, to consist of five members: two to hold office for one

year; two to hold office for two years; and one to hold office for three years; thereafter the Mayor, with the approval of the Council, shall appoint for the term of three years, and until their successors qualify, a sufficient number of members to fill the places of those whose term or terms expire. All terms shall end with the fiscal year. The Board shall have all of the duties provided for by law, including those contained in M.S. §§ 134.09 to 134.15, as they may be amended from time to time.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### **§ 31.08 GOLF BOARD.**

(A) There shall be a Golf Board, as a division of the Public Works Department, to consist of five members, a minimum of one of whom shall be a woman, to be appointed by the Mayor, with the approval of the City Council. The terms of each member shall be three years, the terms to end on December 31. The Board shall annually elect one of its members to act as Chairperson, and one to act as Secretary.

(B) The Board shall supervise and manage all municipal golf courses and shall have power to prescribe rules, regulations and charges as may be just and proper, with due regard to the availability of the use of the golf courses to the general public without discrimination as to any individual or group of individuals. The rules, regulations and charges shall be submitted to and approved by the Council before the same shall take effect. It shall be the duty of the Secretary to see that all moneys received for the use of the golf courses be promptly paid to the City Treasury and paid out only upon itemized vouchers approved by the Golf Board and Council.

(C) The Golf Supervisor shall on or before the first day of July in each year file a detailed inventory

with the Director of Public Utilities of all property used or maintained for municipal golf courses.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994; Am. Ord. 05-02, passed 1-19-2005; Am. Ord. 12-02, passed 6-4-2012)

### **§ 31.09 UTILITY COMMITTEE.**

(A) A public Utility Committee shall consist of three members of the City Council selected by the Mayor with the approval of the Council. The Committee is to select its own chairperson. The members shall be appointed to the Committee for a term of two years commencing on the first Monday after the first Tuesday in January in each even numbered year.

(B) It shall be the special duty of this Committee in addition to their general duties as members of the Council to act as an advisory committee to the Water and Sanitary Sewer Department Superintendent and the Light Department Superintendent and to act as a liaison between the Water, Light and Sanitary Sewer Departments and the Council.

(Ord. 11-05, passed 2-7-2011)

### **§ 31.10 STREET COMMITTEE.**

(A) A public Street Committee shall consist of three members of the City Council selected by the Mayor with the approval of the Council. The Committee is to select its own chairperson. The members shall be appointed to the Committee for a term of two years commencing on the first Monday after the first Tuesday in January in each even numbered year.

(B) It shall be the special duty of this Committee in addition to their general duties as members of the Council to act as an advisory committee to the Public

Works Director and to act as a liaison between the Street Department and the Council.  
(Ord. 11-05, passed 2-7-2011)

### § 31.11 CIVIL SERVICE COMMISSION.

(A) There is hereby created the Civil Service Commission of three members, who shall be appointed by the Mayor with the approval of a majority of the City Council, to be known as the "Police Civil Service Commission," one member to be a business person, one a professional person and one a laboring person.

(B) When first appointed, one Commissioner shall be appointed for one year, who shall be president of the Commission, one for two years and one for three years. Each Commissioner shall hold his or her office until his or her successor is duly appointed and qualified. There shall thereafter be one member of the Commission appointed each year for a term of three years, and each shall during the last year of his or her term be President of the Commission. No Commissioner shall, during the term of his or her membership in the body, hold any other office or employment under the city, the United States, the state, or any other political subdivision thereof, except the office of notary public or member of a civil service commission for firefighters or other municipal personnel. Each Commissioner, before entering upon his or her duties, shall subscribe and file with the City Clerk/Administrator an oath for the faithful discharge of his or her duties.

(C) The Commission shall meet immediately after its appointment and thereafter annually on the first Monday in February. The Commission shall also, from time to time, fix the times of its meetings and adopt, amend and alter rules for its procedure.

(D) The Council shall pay from the City Treasury all necessary expenses incurred by the

Commission in the performance of its duties. Each Commissioner shall serve without pay, but the Council may allow the Secretary compensation as it deems proper for the additional service rendered by him or her in that office, not exceeding \$100 per year.

(E) The Commission shall have absolute control and supervision of the employment, promotion, discharge and suspension of all designated Commissioners of the Police Department and all grades and departments thereof in this city. The Commission shall, immediately after its appointment, establish grades for the employments in the Police Department and shall classify every employee now in service in the respective classification thus established. The Commission shall keep a service register of all persons in the service in these classifications, giving their names, ages, compensation, past employment, duties and other facts and data with reference to each employee as the Commission may deem useful.

(F) The Commission shall from time to time thereafter make, amend, alter and change rules to promote efficiency in the Police Department services and carry out the purpose of this section. The rules shall provide among other things for:

(1) The classification of all offices and employments in the Police Department;

(2) Public competitive examinations to test the relative fitness of applicants;

(3) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the city and posting advertisement for ten days in the City Hall and at the station house;

(4) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, embraced in an



eligible register; the Commission may, by rule, provide for striking any name from the eligible register after it has been two years thereon;

(5) The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the Commission or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any willful misrepresentation, deception or fraud in connection with their applications for employment;

(6) The certification of the three names standing highest on the appropriate list to fill any vacancy, except where the provisions of the Minnesota Veterans' Preference Law provides otherwise;

(7) Temporary employment without examination, with the consent in each case of the Commission, in cases of emergency; but no temporary employment shall continue more than 30 days, nor shall successive temporary employments be permitted for the same position;

(8) Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority;

(9) Other rules not inconsistent with the provisions of this act as may from time to time be found necessary to secure the purposes of this act; and

(10) Copies of all rules adopted by the Commission shall be kept posted in the police station house and no rule of general application with reference to employment, promotion, discharge or suspension shall become effective until so posted.

(G) When the Commission has established a list of eligible candidates for promotions or for new positions in the Police Department, appointment to any position shall be made of one of the three

candidates given the highest ratings by the Commission or its examiner. Provided, however, that on demotions for retrenchment or any other but disciplinary reasons the person above entrance grade shall not lose their seniority.

(H) No officer or employee after one year of continuous employment shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his or her own defense as in this section hereinafter provided. The charges shall be investigated by or before the Civil Service Commission. The findings and decision of the Commission shall be delivered forthwith to the Chief or other appointed superior officer and shall be enforced by the officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding 60 days, for the purpose of discipline or pending investigation of charges when he or she deems the suspension advisable.

(I) The Commission, in classifying positions under this section, shall prescribe standards of fitness and efficiency for each office, employment or position and shall adapt each examination to the respective position. All examinations shall be impartial, fair and practical and designed to test the relative qualifications and fitness of applicants to discharge the duties of the respective employments which they seek to fill. Notice of the time, place and scope of all examinations shall be given ten days in advance by publication and by posting in the same manner as rules for the respective departments. Notice shall also be mailed to all applicants on the proper register at least ten days in advance. Applicants for positions of trust shall be especially examined as to moral character, sobriety and integrity; and no question in any examination shall relate to religious convictions or affiliations. The head of the Police Department shall assist the Commission in making up its classification and in conducting examinations in the Department on request.

(J) (1) Charges against any police employee may be filed by any superior officer of the Department or by any member of the Commission on his or her own motion; and the Commission shall try the charges after no less than ten days written notice to the accused. The notice shall set forth the charges as filed. The trial shall be open to the public. Each Commissioner shall have power to administer oaths and issue subpoenas; and disobedience to the same shall be punishable the same as contempt of court, in the district court of this county. Witnesses, except public officials, shall be entitled to the same fees and mileage as for attendance upon the court. The employee may be suspended by his or her superior officer pending determination of the charges against him or her.

(2) If the Commission, upon trial, finds the employee guilty of inefficiency, breach of duty or misconduct, he or she shall be removed, reduced or suspended, and his or her name be stricken from the service register. If the charges are not sustained, the case shall be dismissed; and if the employee has been suspended, he or she shall be immediately reinstated, and shall be paid all back pay for the period of suspension. Findings of the Commission shall be filed within three days after the completion of the hearing. Any person suspended, reduced or removed by the Commission after hearing may appeal to the district court by serving written notice upon the Secretary of the Commission within ten days after the filing of its order and receipt of the same by the employee. The Secretary shall, within five days, certify a copy of the proceedings to the clerk of the district court, and the matter shall be before the court for the review of the reasonableness of the findings based upon the evidence presented.

(K) No applicant for examination, appointment or promotion in the Police Department shall offer, give or promise any money, service or other thing to any person in connection with the proposed appointment or promotion. No employee of the

Department shall in any manner solicit or pay, or be in any manner concerned in soliciting, receiving or paying, any subscription, assessment or contribution for political purposes. No person shall solicit or receive any assessment, contribution or payment for political purposes. If a person is an employee of any service under this section, he or she shall be subject to suspension and removal.

(Ord. 294, passed 8-7-1967; Am. Ord. 16-01, passed 3-7-2016) Penalty, see § 10.99

### **§ 31.12 SENIOR CITIZENS BOARD.**

(A) There is hereby created a Senior Citizens Board to consist of five members, one of whom shall be a current member of the City Council, the members to be appointed by the Mayor, with the approval of the City Council. The terms of the office for the first Board shall consist of two members for one year, two members for two years, and two members for three years, with the City Council member so appointed to serve a term of one year. After the initial terms of the new members, members' terms shall be three years with only two members appointed in each year, except as required by the appointment of the City Council. The term of office shall end on December 31, in the year of expiration.

(B) The Senior Citizens Board shall annually elect the Chairperson and the Secretary from its membership; and shall meet bi-monthly at the call of the Chairperson and other times as deemed necessary by the Chairperson or any two members of the Board.

(C) The Senior Citizens Board shall have the power to prescribe the rules and regulations as the Board deems necessary and advisable for the conduct of the Senior Citizens Center and its programs; provided that the rules and regulations shall be first prescribed and submitted and approved by the City Council before the same shall take effect.

(Ord. 445, passed 2-17-1981; Am. Ord. 04-03, passed 5-3-2004; Am. Ord. 11-03, passed 2-23-2011)

**§ 31.13 PARK AND RECREATION BOARD.**

(A) *Formation.* There is hereby created a board to be known as the “Park and Recreation Board,” hereinafter referred to as the “Board,” which shall have the duties and powers prescribed herein.

(B) *Composition.*

(1) *Membership.* The Board shall consist of five members, one of whom shall be a member of the City Council and one shall be the Community Education Director. All members of the Board shall have one vote and serve without compensation unless the City Council authorizes compensation.

(2) *Terms and vacancies.* All appointments to the Board shall be made by the Mayor with the approval of the Council. All Board members shall be appointed for terms of three years. All Board members shall hold their office until their successors have been appointed and shall have qualified. Any vacancies occurring in the membership of the Board shall immediately be filled by the Mayor with approval of the Council, but only for the unexpired term of the vacated member. The terms of the Board shall commence January 1.

(C) *Organization of Board.*

(1) *Officers.* The officers of the Board shall be a President, Vice-President and Secretary. Officers of the Board shall be elected annually. All of the officers shall be chosen from among the appointed members of the Board. The President shall preside at all meetings. The Vice-President shall perform the duties of the President in case of his or her absence. The Secretary shall keep a complete record of the minutes of each meeting and of all proceedings of the Board. The Secretary shall furnish the City Clerk/Administrator with a copy of the minutes of each meeting and of all proceedings of the Board within five working days after any meeting of the Board. The Board may prescribe additional powers

and duties for its officers as may be consistent with the provisions of this section and the City Charter. Additional powers and duties shall be submitted to and approved by the City Council. Vacancies in any of the offices shall be filled by the Board.

(2) *Meetings.* The Board shall meet not less than once each month, and at other times as may be deemed necessary, or at the call of the President of the Board, with times and locations as established by the Board. A majority shall constitute a quorum, but a smaller number may adjourn from time to time. An affirmative vote of a majority of the members of the Board constituting a quorum present and voting at the meeting shall be necessary for the transaction of any business.

(D) *Removal of members.* The City Council, upon the recommendation of the Board, shall have the power to remove any member of the Board for misconduct, neglect of or inattention to his or her Board duties and/or failure to attend meetings.

(E) *Powers and advisory duties.*

(1) *Adoption of policy and procedures.* The Board shall make and adopt policies and procedures as are necessary for the performance of its duties, for their guidance and for the management of all municipal property and facilities set aside for park and recreation purposes. The policies and procedures shall be submitted to and approved by the City Council.

(2) *Employment.* The Park and Recreation Board may recommend to the City Council the hiring of necessary personnel.

(3) *Construction; contracts.* The Board may recommend to the City Council the construction of roadways, paths, buildings, fountains, docks, restrooms, refreshment booths, pavilions and other necessary structures and improvements for park and recreation purposes.

(4) *Maintenance.* The Park and Recreation Board shall make recommendations for the maintenance, beautification and care for park and recreation property and facilities.

(5) *Golf course excluded.* For the purpose of this section, property and facilities shall not pertain to the municipal golf course and clubhouse.

(Ord. 568, passed 12-20-1993; Am. Ord. 11-02, passed 2-7-2011)

***Cross reference:***

*Tree Board, see § 96.02*

**§ 31.14 PLANNING COMMISSION.**

The Planning Commission is created in § 150.139(A) and shall also be the Board of Adjustment and Appeals, and have all of the duties provided for by M.S. §§ 462.351 to 362.365, as they may be amended from time to time.

**§ 31.15 AIRPORT BOARD.**

The Airport Board is hereby continued. It shall have the powers and duties provided for in §§ 150.050 through 150.052. It shall be composed of three members appointed for two-year terms expiring in January of 2002, 2003, and 2004. The members shall be appointed by the Mayor and confirmed by the Council and shall serve until the appointment of their successors are confirmed.

**§ 31.16 AMBULANCE BOARD.**

An Ambulance Board is hereby created to advise the Council on matters pertaining to ambulance service within the community. The Board shall consist of three members appointed by the Mayor and confirmed by the Council for two-year terms, expiring in January of even-numbered years.

**§ 31.17 TELECOMMUNICATIONS BOARD.**

A Telecommunications Board is hereby created to advise the Council on telecommunications matters. The Board shall consist of five members appointed by the Mayor and confirmed by the Council for two-year terms expiring in January of even-numbered years.

## CHAPTER 32: CITY COUNCIL

### Section

- 32.01 Regular meetings
- 32.02 Special meetings

#### § 32.01 REGULAR MEETINGS.

Regular meetings of Council shall be held on the first and third Mondays in each month at 7:00 p.m. (Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

#### § 32.02 SPECIAL MEETINGS.

(A) Special meetings may be called by the Mayor or any three members of the Council by written notice of one day to each of the members to be delivered to them personally or left at their usual place of abode, which notice shall contain a statement of the business for which the meeting is called and no other business shall be transacted at the special meeting except such as is designated in the notice. Whenever all members of the Council are present at any special meeting by unanimous consent, any business can be transacted which could be transacted at a regular meeting and any defect as to notice may be waived.

(B) Pursuant to M.S. § 471.705, as it may be amended from time to time, written notice of any special meeting shall be posted giving the date, time, place, and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day. (Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)



## CHAPTER 33: FINANCES

### Section

- 33.01 Disbursement of funds
- 33.02 Purchases and contracts
- 33.03 Execution of instruments

regular employees or laborers, and any other fixed charges which have been previously duly and regularly authorized.

### § 33.01 DISBURSEMENT OF FUNDS.

(A) (1) All disbursements shall be made by order signed by the Mayor and the City Clerk/Administrator, duly authorized by the Council, and every order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. But no order shall be paid until there is money to and credit of the fund out of which it is to be paid sufficient to pay the same, together with all the then outstanding encumbrances upon the fund.

(2) No claim against the city shall be allowed, except as otherwise provided in this code, unless accompanied by an itemized bill and voucher, payroll or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and certifies as to the correctness and reasonableness of the claim; provided, however, that the Council may provide for the regular payment without specific individual authorization or filing of itemized bill and voucher payroll or time sheet or salaries and wages of

(B) (1) Any public officer or other person who is authorized singly or in conjunction with another or others to sign checks, drafts, warrants, warrant-checks, vouchers or other orders on public funds on deposit in a depository bank may, upon resolution duly passed by the City Council, authorize the bank to honor any instrument bearing a facsimile of his or her signature and to charge the same to the account upon which drawn, as fully as though it bore his or her manually written signature.

(2) Instruments so honored shall be wholly operative and binding in favor of the bank although the facsimile signature shall have been affixed without authority of the officer or other person. Any one or more or all of the signatures upon any instrument may be facsimiles as herein provided.

(C) If the City Council, by resolution, authorizes the use of facsimile signatures approving the action of the public officer or other person in the use of the facsimile signatures, the city shall have insured with an insurance company authorized to do business in this state, in an amount and form as the City Council

approves, against the loss of any public funds withdrawn upon unauthorized use of the facsimile signature. Upon adoption of the resolution and acquisition of the insurance, the public officer or other person shall not be personally liable for loss, if any, resulting from the use of any facsimile signature, unless the loss occurs by reason of his or her own wrongful act.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### **§ 33.02 PURCHASES AND CONTRACTS.**

(A) The City Clerk/Administrator shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made by the City Clerk/Administrator subject to the approval of the Council. Approval must be given in advance whenever the amount of purchase or contract exceeds \$1,000.

(B) In all cases of work to be done by contract or of the purchase of personal property of any kind, other than purchases for the emergency purchases for the Public Works Department as provided in Chapter 3, Section 3.05 of the City Charter, where the amount involved is over \$50,000, unless the Council shall by emergency ordinance otherwise provide, the City Clerk/Administrator shall advertise for bids by two-weeks' published notice in the official newspaper and awards shall be made by resolution of the Council and shall be let to the lowest responsible bidder. The Council may, however, reject any or all bids. Nothing contained in this section shall prevent the

Council from contracting for the doing of work with patented processes or from purchasing patented appliances.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### **§ 33.03 EXECUTION OF INSTRUMENTS.**

(A) All contracts, bonds and instruments of every kind to which the city is a party shall be signed by the Mayor on behalf of the city, and attested by the City Clerk/Administrator, and shall be executed in the name of the city.

(B) Facsimile signatures may be used, but only in conjunction with the execution of checks, drafts, warrants, warrant-checks, vouchers or other orders on public funds on deposit in a depository bank, and only as authorized.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)



## CHAPTER 34: CITY POLICIES

### Section

- 34.01 Official newspaper
- 34.02 Sale of real estate
- 34.03 Vacation of streets
- 34.04 Reimbursement for certain fire and ambulance protection services
- 34.05 Per-diem for Council Members and the Mayor

(C) If there be no outstanding indebtedness, then the Council may, by a resolution adopted by a five-sevenths vote, designate some other public use for the proceeds.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

***Cross-reference:***

*Real Estate Transactions, see T.S.O. Table IV*

### § 34.01 OFFICIAL NEWSPAPER.

The Council shall annually designate a legal newspaper of general circulation in the city as the official newspaper in which shall be published measures and matters whatsoever which require publication either by the law of the state, the City Charter or ordinances of the city.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

### § 34.02 SALE OF REAL ESTATE.

(A) No real property of the city shall be disposed of except by ordinance.

(B) The proceeds of any sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in purchase, construction or improvement of this or other property used for the same public purpose.

### § 34.03 VACATION OF STREETS.

No street or alley within the city shall be discontinued, except by ordinance approved by five-sevenths of the Council. A record of the vacation shall be made in the office of the County Recorder of the county, as provided.

(Ord. 172, passed 12-18-1944; Am. Ord. 382, passed 12-16-1974; Am. Ord. 481, passed 2-21-1984; Am. Ord. 94-578, passed 6-6-1994)

***Cross-reference:***

*Street Vacations, see T.S.O. Table VII*

### § 34.04 REIMBURSEMENT FOR CERTAIN FIRE AND AMBULANCE PROTECTION SERVICES.

(A) The city may bill and collect in accordance with the Fire and Ambulance Fee Schedule certain sums to recoup costs of providing fire and rescue services, the City Fire and Ambulance Department's area of service ("Benefited Area") in the following instances:

- (1) Medical and rescue calls;
- (2) Hazardous material spills;
- (3) Responses to fire calls to or for railroads right-of-way including but not limited to grass fires;
- (4) To other governmental entities within the Benefited Area which do not contract with the city for fire and rescue protection services;
- (5) Fire and rescue calls to the extent services are provided.

(B) The City Council may, by resolution, amend the fee schedule from time to time.  
(Ord. 03-06, passed 10-6-2003)

**§ 34.05 PER-DIEM FOR COUNCIL MEMBERS AND THE MAYOR.**

(A) Pursuant to the authority granted by M.S. § 415.11, the Mayor and Council Members in the city shall be paid the sum of \$50 for attendance at each full day out-of-town meeting, conference or seminar and the sum of \$25 for attendance at each half-day out-of-town meeting, conference or seminar, provided that said attendance has been authorized in advance by the Council.

(B) In addition, City Council Members may receive the sum set forth in this section for attendance at local committee meetings to which committee the member is appointed to as Council representative, which has a quorum attending and an agenda. The per diem shall be \$10 for the first two hours of the meeting, and then an hourly rate at the minimum wage for each hour after the first two hours, not to exceed \$50 per day. Per diem payments are limited to the amount adopted in the city's budget for each calendar

year for all Council Members. If the Council Member chooses to claim the per diem, the Council Member must submit information detailing the meeting attended.

(Ord. 14-01, passed 1-21-2014)