

CHAPTER 2 OPERATIONS AND ADMINISTRATION

Section 200 - The Council

200.01 Meetings.

Subd. 1 Regular Meetings. Regular meetings of the Council shall be held on the third Monday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless the Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

Subd. 2 Special and Emergency Meetings. The mayor or any two members of the Council may call a special meeting of the Council upon at least 72 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with state law. An emergency meeting may be called by the mayor or any two members of the Council when a matter requires the immediate action of the city to protect the health, safety, and welfare of the public. Actual notice of the meeting must be attempted to be given to all members of the Council, and notice provisions of state law must also be met.

Subd. 3 Initial Meeting. At the first regular council meeting in January of each year the Council shall:

- A. Designate the depositories of city funds;
- B. Designate the official newspaper;
- C. Choose one of the Council members as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the City or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;
- D. Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;
- E. Establish and appoint council members to such council committees as are deemed appropriate for the efficient and orderly management of the City.

Subd. 4 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.

(Am. Ord. 04-10-13-01, passed 10-13-04; Am. Ord. 06-12-18-02, passed 12-18-06)

200.02 Presiding Officer.

Subd. 1 Who Presides. The mayor shall preside at all meetings of the Council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the Clerk-Treasurer/Administrator shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2 Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be conducted in accordance with Robert's Rules of Order, Revised.

Subd. 3 Appeal Procedure. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present including the presiding officer.

200.03 Minutes.

Subd. 1 Who Keeps. Minutes of each council meeting shall be kept by the Clerk-Treasurer/Administrator or, in the Clerk-Treasurer/Administrator's absence, by the deputy Clerk-Treasurer/Administrator. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk-Treasurer/Administrator and can be accurately identified from the description given in the minutes.

Subd. 2 Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Clerk-Treasurer/Administrator, and copies shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

200.04 Order of Business.

Subd. 1 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 following order unless varied by the presiding officer:

- A. Call to order
- B. Roll call
- C. Approval of minutes
- D. Consent agenda
- E. Public hearings
- F. Petitions, requests and communications
- G. Ordinances and resolutions
- H. Reports of officers, boards and committees
- I. Unfinished business
- J. New business
- K. Miscellaneous
- L. Adjournment

Subd. 2 Petitions and Agenda. Petitions and other papers addressed to the Council shall be read by the Clerk-Treasurer/Administrator upon presentation to the Council. All persons desiring to present new business before the Council shall inform the Clerk-Treasurer/Administrator at least 72 hours before said new business is to be heard. The Clerk-Treasurer/Administrator may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.

200.05 Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to his/her name, shall be marked "Present-Not Voting".

200.06 Ordinance, Resolutions, Motions, Petitions and Communications.

Subd. 1 Signing and Publication Proof. Every ordinance and resolution passed by the Council shall be signed by the mayor, attested by the Clerk-Treasurer/Administrator, and filed by the Clerk-Treasurer/Administrator in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 2 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.

200.07 Suspension or Amendment of Rules. These rules may be suspended only by a two-thirds vote of the members present and voting.

200.08 Salaries of Mayor and Council Members. The salaries of the Council members and the salary of the Mayor shall be as set from time to time by the council pursuant to State law.

200.09 Terms of Office.

Subd. 1 Councilmember. 4 years.

Subd. 2 Mayor. 2 years.

200.10 Elections. The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year beginning with the 1974 election.

Section 205 - Police Department

205.01 Establishment. A police department is, by this Section, continued. The head of the department shall be known as the chief of police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to be paid members of the police department shall be fixed by the Council. Members of the department shall be appointed by the Council.

205.02 Chief of Police. The chief of police shall have supervision and control of the police department and its members. The chief shall be responsible to the Council for law enforcement and for property of the City used by the department. The chief shall be responsible for the proper training and discipline of the members of the department. The chief shall be responsible for the keeping of adequate records and shall report to the Council on the needs of the department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The Council may designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during an absence or disability.

205.03 Duties of Police. Members of the police department shall enforce the laws applicable to the City, bring violators before the court and make complaints for offenses coming to their knowledge. Members of the police department shall serve processes on behalf of the City and shall serve such notices as may be required by the Council or other authority. When the City is not a party to the proceedings involved in the process or notice,

the officer shall collect the same fees as provided by law. All such fees shall be paid into the city treasury.

205.04 Uniform and Badge. Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the department, the member shall immediately deliver to the City the badge, uniform and all other property of the City.

205.05 Extra Police. In case of riot or other law enforcement emergency, the chief of police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the chief of police.

205.06 Police Reserve.

Subd. 1 Establishment. There is hereby created within the police department a police reserve which shall consist of such number of volunteer members as the council deems necessary. The police reserve shall be under the control and supervision of the chief of police. Members of the police reserve shall be appointed by the council and may be removed by it at any time. They shall serve under the direction of the superior officers of the regular police force and such others as the chief may appoint from their own number.

Subd. 2 Duties. When assigned to duty by the chief of police, each police reserve member shall have the same authority, duties, and obligations as regular members of the police department including the authority to issue citations except as restricted in Subd. 5 of this Subsection. Individual members may be used as deemed necessary by the chief of police, but the entire police reserve shall not be called to duty except upon order of the mayor.

Subd. 3 Oath, Insignia. Each police reserve member shall take the oath prescribed by Minn. Stat. § 358.05. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the chief of police may prescribe. Upon termination of membership, a member shall surrender to the city all city property issued to the member.

Subd. 4 Personnel Rules. Personnel code sections and rules applicable to regular employees of the city do not apply to members of the police reserve, but each such member shall be covered as a city employee under the workers' compensation insurance policy of the City.

Subd. 5 Other Restrictions. No member of the police reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No police reserve member shall make arrests upon a warrant unless

accompanied by a regular police officer. Only police reserve members shall use such identification or otherwise represent themselves to be members of the police reserve. No police reserve member shall carry any firearm while on duty except as specifically authorized by the police chief.

Section 210 - Fire Department

210.01 Fire Department. There is continued in the City a volunteer fire department, which department shall have the following officers: a chief, an assistant chief and a fire marshal.

210.02 Appointment of Officers. The chief of the fire department shall be appointed annually by the Council. Members of the department may recommend to the Council a nominee or nominees for appointment by submitting same in writing to the Council prior to February 1 of each year. The chief of the fire department shall appoint each year an assistant chief and a fire marshal, subject to confirmation by the Council. The chief of the fire department, the assistant chief and the fire marshal each shall hold office for one year and until the successor has been duly appointed or qualified. The above named officer may be removed by the Council for cause and after a public hearing. Firefighters and probationary firefighters shall be appointed by the members of the department, subject to confirmation by the Council. Firefighters shall continue as members of the department during good behavior and may be removed by the Council only for cause and after a public hearing.

210.03 Duties of Chief. The chief shall have control over all of the fire fighting apparatus and shall be solely responsible for its care and condition. The chief shall, as needed or requested by the Council, make a report, , to the Council as to the condition of the equipment and needs of the fire department. The chief may submit additional reports and recommendations at any meeting of the Council and shall report each suspension of a member of the fire department at the first meeting of the Council following each suspension. The chief shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on the discharge or retention.

210.04 Duties of Fire Marshal. The office of fire marshal may be held by the chief or by the assistant chief, if the Council approves. The fire marshal shall be charged with the enforcement of all laws aimed at fire prevention. The marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

210.05 Records. The chief shall keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm and such other information as the chief may deem advisable or as may be required from time to time by the Council or state department.

210.06 Practice Drills. It is the duty of the chief, when the weather permits, to hold a monthly practice drill of at least one hour's duration for the fire department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

210.07 Assistant Chief. In the absence or disability of the chief, the assistant chief shall perform all the functions and exercise all of the authority of the chief.

210.08 Firefighters. The chief, the assistant chief, the fire marshal and all firefighters and probationary firefighters shall not be less than 18 nor more than 65 years of age and able-bodied. They shall become members of the fire department only after a 12-month probationary period. The Council may require that each candidate, before becoming a probationary firefighter, must satisfy certain minimum qualifications which may be specified by the Council; and that the candidate must pass a satisfactory physical examination.

210.09 Loss of Membership. Firefighters absent from three consecutive drills or calls, unless excused by the chief, shall forfeit membership in the department.

210.10 Compensation. Compensation shall be established by the Council.

210.11 Present Members. Persons who have been members of the fire department for at least one year at the time of the adoption of this Code section shall not be required to serve a probationary period before receiving firefighter's rating.

210.12 Interference with Department. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the chief at a fire, or to interfere with the fire department in the discharge of its duties. Unlawful interference shall include the following of a fire truck when its siren and emergency lights are in operation, closer than 500 feet, by persons not on official city business.

Section 215 - Health Board

215.01 Appointment. The Council shall as provided by the laws of the State of Minnesota annually appoint a board of health for the City to consist of five members. The appointed members shall annually elect one member to serve as Chairperson and person to serve as Vice-Chairperson of the Board.

215.02. Meetings. The Board shall meet as often as it determines necessary, but not less than twice per year. Meetings shall be conducted in accordance with the written rules of procedure adopted by the Board.

215.03 Per Diem. Members of the Board of Health shall be entitled to a daily per diem plus reimbursement of travel expenses and other general expenses related to the performance of their official duties.

215.04. Agent. As required by State law, the Board shall appoint, employee, or contract with a person or persons to act on its behalf. That person's or persons' name(s) shall be provided to the Commissioner of the State Health Department.

215.05. Powers and Duties. The Board shall exercise all duties and have all powers assigned to them by the Council, the Commissioner of the State Department of Health, and by Minn. Stat. Chapter 145A as amended.

Section 220 - City Clerk-Treasurer/Administrator

220.01 Clerk-Treasurer/Administrator. The former individual appointive offices of City Clerk, Treasurer, and Administrator are by this Section continued as one combined position known as the City Clerk-Treasurer/Administrator. This combined office shall have all of the powers, duties, and responsibilities granted by State statute or this code to the former individual offices. References in this code to the terms Clerk, Treasurer, Clerk-Treasurer, or Administrator shall mean the combined office of City Clerk-Treasurer/Administrator.

220.02 Duties. The Clerk-Treasurer/Administrator shall act as the clerk and bookkeeper of the municipality, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish such notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as any be imposed upon him by the council. Specific duties shall include, but not be limited to:

Subd 1 Meetings. The Clerk-Treasurer/Administrator shall attend and participate in all council meetings, and at his or her discretion or by invitation, other committee and commission meetings.

Subd. 2 Minute Book. The Clerk-Treasurer/Administrator shall maintain a minute book, noting therein all proceedings of the council; ordinances, resolution and claims considered by the Council need not be given in full in the minute book if they appear in other permanent records of the Clerk-Treasurer/Administrator and can be accurately identified from the description given in the minutes.

Subd. 3 Ordinance Book. The Clerk-Treasurer/Administrator shall maintain an ordinance book, 2 copies in which he shall record at length all ordinances passed by the Council;

Subd. 4 Account Book. The Clerk-Treasurer/Administrator shall maintain an account book, in which shall be entered all money transactions of the municipality, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the Clerk-Treasurer/Administrator with their payee and object;

Subd. 5 Financial Reports. The Clerk-Treasurer/Administrator shall prepare an annual fiscal budget and maintain financial guidelines for the municipality within the scope of the approved budget and capital program. The Clerk-Treasurer/Administrator shall also prepare an annual financial statement and perform other duties as required in Minnesota Statute 412.141, and shall submit reports to the Council on the financial condition of the municipal accounts upon the Council's request.

Subd. 6 Elections. The Clerk-Treasurer/Administrator shall provide the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the county auditor all appointments and the results of all municipal elections, and supervise the conduct of local elections in accordance with the prescribed laws and regulations.

Subd. 7 Administration. The Clerk-Treasurer/Administrator shall direct the administration of the City and coordinate municipal programs and activities as authorized by the Council as provided by Council action and state and federal statutes. He or she shall coordinate with the Council in administering municipal affairs, and shall consult with appointed officials and with other public or private agencies as may be required, including the City's appointed attorney and engineer.

Subd. 8 Supervision. The Clerk-Treasurer/Administrator shall supervise the activities of all municipal department heads and the administrative staff in the administration of municipal policy with authority to effectively recommend their employment and removal. The Clerk-Treasurer/Administrator shall also present the terms and conditions of the employee contracts to the City Council a minimum of one week prior to negotiations.

Subd. 9 Project Reports. The Clerk-Treasurer/Administrator shall prepare reports and summaries relating to contemplated municipal projects and/or improvements and submit them with recommendations as may be required to the Council for study and subsequent action.

Subd. 10 Purchases. The Clerk-Treasurer/Administrator shall supervise and/or authorize all purchases and/or acquisitions made by City personnel to insure that all legal requirements are met.

Subd. 11 Public Relations. The Clerk-Treasurer/Administrator shall prepare news releases, develop and discuss public relations material with all concerned as required, and maintain good public relations with the general public.

220.03 Appointment. The Clerk-Treasurer/Administrator shall be appointed by a majority of the Council for an indefinite term, and shall be removed only by a majority of the Council. In the case of the Clerk-Treasurer/Administrator absence from the municipality or disability, the Council may appoint a temporary City Clerk-Treasurer/Administrator to serve during such absence or disability.

220.04 Qualifications. The Council shall consider the following qualifications when appointing a Clerk-Treasurer/Administrator.

- A. Knowledge of or ability to acquire full knowledge of all laws affecting the municipality and to be fully informed regarding Federal, State and County programs which affect the municipality.
- B. Ability to provide harmonious relations with municipal employees and general public,
- C. Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organizations.
- D. High School diploma or its equivalent and experience in public administration and accounting at Council's discretion.

Section 225 - Personnel Policy

225.01 General. The Council shall establish and maintain a uniform and equitable system of personnel administration for employees of the City known as the Personnel Policy.

225.02 Distribution. Copies of the "Personnel Policy" and all subsequent amendments shall be made available to all City employees. A copy of the "Personnel Policy" shall be available from the City Clerk-Treasurer/Administrator for review by the general public.

225.03 Employment Contract. Nothing in the Personnel Policy shall be construed to create an employment contract.

Section 230 - Abandoned Property

230.01 Motor Vehicles.

Subd. 1 Impoundment and Sale. The City police department shall take into custody and impound any abandoned, junk, or unauthorized motor vehicle as defined by Minn. Stat. § 168B.011. A vehicle shall also be considered abandoned when said vehicle is determined by the Chief of Police or his or her agent to be an inoperative vehicle as herein defined or to which the last registered owner of record has relinquished dominion and control or which does not have attached to it current license plates or tabs as required by state law, and which is not stored in a totally enclosed structure. Any motor vehicle which cannot be driven or propelled under its own power in a safe manner because of its wrecked, junked, or partially dismantled condition shall be considered an inoperative vehicle. Any person who abandons a vehicle on public or private property without the consent of the person in control of such property is guilty of a misdemeanor. The City shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.
(Ord. 09-09-21-01, passed 9-21-09)

Subd. 2 Disposition of Proceeds. The proceeds of the sale of an abandoned, junk, or unauthorized motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of

ownership or lien interest within 90 days of the sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice, and publication costs incurred in its handling.

230.02 Other Abandoned Property.

Subd. 1 Procedure. All other property lawfully coming into the possession of the City shall be disposed of as provided in this Section.

Subd. 2 Storage. The department of the City acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subd. 3 Claim by Owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4 Sale. If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the City after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

Subd. 5 Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

Section 240 - Reasonable Accommodations

240.01 Reasonable Accommodation. The following shall apply to requests for reasonable accommodation involving any city ordinance, regulation or policy:

Subd. 1 Purpose. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth below.

Subd. 2 Application. A person may request the modification or waiver of city ordinances, regulations or policies by submitting a request in writing to the City Administrator. No fee is required for this application. "Person" includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information required by the director. If the request also requires another city review or approval, then the applicant must file the request concurrently with that application.

Reasonable Accommodations

Subd. 3 Procedure. The City Administrator, in consultation with the City Attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of conditions. In making a decision, the following factors must be considered:

- A. Whether there is a qualifying disability;
- B. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;
- C. Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
- D. Whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;
- E. Whether the request would impose an undue financial or administrative burden on the city; and
- F. Any other factor that may have a bearing on the request.

Subd. 4 Appeal. The City Administrator's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the City Administrator's decision to the City Council by submitting a written request to the City Administrator within 10 days after the decision was mailed to that party. The City Administrator's decision is the final decision of the city, unless properly appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.

Subd. 5 Individual Application. An approved request is granted only to an individual and does not run with the land unless the City Administrator determines that (a) the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or (b) the accommodation is to be used by another individual with a disability.

Subd. 6 Covenant. The City Administrator may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation.

Subd. 7 Summary Publication. The Council hereby determines that the text of the summary of this Chapter marked "Official Summary of Ordinance No. 18-01-16-01," and a copy of which is attached to Ordinance 18-01-16-01,, clearly informs the public of the intent and effect of this Chapter. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and the effect of this Chapter. The Administrator shall file a copy of this Chapter and the summary in the Administrator's office which shall be available for inspection by any person during regular office hours. A copy of the Chapter shall be available in the community library, if there is one, or if not, in any other public location which the Council designates.

Subd. 8 Effective Date. This Chapter shall take effect upon publication.
(Ord. 18-01-16-01, passed 1-16-18)