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CHAPTER 30: GENERAL PROVISIONS

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' 30.01 CITY COUNCIL MEETINGS.

(A) *Regular meetings.* Regular meetings of the City Council shall be held at least once each month, at a date, time and place as established by the City Council. 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 City Council decides otherwise at a prior meeting, or meeting in the city hall is impossible.

(B) *Special meetings.* The Mayor or any two members of the City Council may call a special meeting of the City Council upon at least 24 hours written notice to each member of the City 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. Pursuant to M.S. Ch. 13D, 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.

(C) *Emergency meetings.* Notice of emergency meetings shall be given as required by M.S. Ch. 13D, as it may be amended from time to time. An emergency meeting is a meeting defined by M.S. Ch. 13D, as it may be amended from time to time.

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

(1) Designate the depositories of city funds;

(2) Designate the official newspaper;

(3) 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;

(4) Appoint officers and employees and members of departments, boards, commissions and committees as may be necessary;

(5) Establish and appoint Council Members to those City Council committees as are deemed appropriate for the efficient and orderly management of the city.

(E) *Public meetings.* All City Council meetings, including special, emergency and adjourned meetings and meetings of City Council committees, as well as meetings of City Commissions and Boards, shall be conducted in accordance with the Minnesota Open Meeting Law, M.S. Ch. 13D, as it may be amended from time to time.

' 30.02 PRESIDING OFFICER.

(A) *Who presides.* The Mayor shall preside at all meetings of the City Council. In the absence of the Mayor, the Acting Mayor shall preside. In the absence of both, the City Clerk 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.

(B) *Procedure.* The presiding officer shall preserve order, enforce any rules of procedure adopted by the City Council, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order.

(C) *Appeal procedure.* Any member may appeal to the City 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.

' 30.03 MINUTES.

(A) *Generally.* Minutes of each City Council meeting shall be kept by the City Clerk or, in the City Clerk's absence, by the Deputy City Clerk. 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 City Clerk and can be accurately identified from the description given in the minutes.

(B) *Approval.* The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies thereof shall be delivered to each Council Member as soon as practicable after the meeting. At the next regular City Council meeting following the delivery, approval of the minutes shall be considered by the City 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 City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

' 30.04 ORDER OF BUSINESS.

(A) *Order established.* Each meeting of the City Council shall convene at the time and place appointed therefor. City Council business shall be conducted in the following order unless varied by the presiding officer or by-laws or other procedures adopted by Council resolution:

(1) Call to order.

(2) Roll call.

(3) Approval of minutes.

(4) Consent agenda.

(5) Public hearings.

(6) Petitions, requests, and communications.

(7) Ordinances and resolutions.

(8) Reports of officers, boards, and committees.

(9) Unfinished business.

(10) New business.

(11) Miscellaneous.

(12) Adjournment.

(B) *Petitions and agenda.* Petitions and other papers addressed to the City Council shall be read or copies distributed by the City Clerk upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the City Clerk thereof at least 72 hours before new business is to be heard. The City Clerk may prepare an agenda of the new business for submission to the City Council on or before the time of the next regular meeting.

' 30.05 VOTING.

The votes of the Council Members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the Council Members on any action taken shall be recorded in the minutes. The vote of each Council Member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to his or her name, shall be marked APresent-Not Voting.@

' 30.06 ORDINANCE, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) *Signing and publication proof.* Every ordinance and resolution passed by the City Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

(B) *Repeals and amendments.* Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof 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 thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

' 30.07 SUSPENSION OR AMENDMENT OF RULES.

These rules may be suspended only by a two-thirds vote of the members present and voting.

' 30.08 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. ' 415.11, as it may be amended from time to time.

' 30.09 COMPENSATION OF OFFICERS AND EMPLOYEES.

Officers and employees of the city shall be compensated at a rate as established from time to time by the City Council.

' 30.10 QUORUM FOR CONDUCTING BUSINESS.

(A) A quorum shall consist of a majority of the entire City Council, including the Mayor. A quorum shall be necessary to transact the business of the City Council.

(B) If no quorum is present, the City Council shall not thereby stand adjourned, but the members present shall adjourn or recess the City Council by a majority vote of those present.

' 30.11 FEES AND CHARGES.

The City Council may enact an ordinance establishing those fees and charges that are authorized by this code. Until that ordinance becomes effective, all fees and charges established by ordinance or resolution prior to the adoption of this code shall remain in effect. All fees and charges established by the ordinance establishing fees and charges may be amended from time to time by amendment of that ordinance.

' 30.12 APPLICATION OF STATE LAWS.

The provisions of the Government Data Practices Act, M.S. Ch. 13, the Opening Meeting Law, M.S. Ch. 13D, and the laws relating to Gifts to Local Officials, M.S. ' 471.895, as these laws may be amended from time to time, apply to the City Council and all boards and commissions of this city and their members.

' 30.13 BACKGROUND INFORMATION.

(A) *Applicants for City employment.*

(1) *Purpose*. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota=s Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in division (2) below.

(2) *Criminal history employment background investigations.* Pursuant to M.S. ' 364.021 as it may be amended from time to time, with the exception of the applicants for employment listed in M.S. ' 364.09, the city shall not inquire into or consider the criminal record or history of an applicant for public employment until the applicant has been selected for an interview by the city or, if there is not an interview, before a conditional offer of employment is made to the applicant.

Comment [COMMENT1]: jm-2028317677Minn. Stat. ' 364.021(2009) provides ÃA public employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer.@

Comment [COMMENT2]: jm

The City Police Department or County Sheriff=s Department is hereby required, as the exclusive entity within the City to do a criminal history background investigation on the applicants for the following positions within the city, unless the city=s hiring authority concludes that a background investigation is not needed:

(a) Employment positions. All regular part-time or full-time employees of the City and other positions that work with children or vulnerable adults.

(b) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or County Sheriff=s Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department or County Sheriff=s Department to the hiring authority, including the City Council, the City Clerk or other city staff involved in the hiring process.

(3) Before the investigation is undertaken, the applicant must authorize the Police Department or County Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 364.09, the city will not reject an applicant for employment on the basis of the applicant=s prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant=s request on this basis, the City shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial.

(b) The applicant complaint and grievance procedure set forth in M.S. ' 364.06.

(c) The earliest date the applicant may reapply for employment.

(d) That all competent evidence of rehabilitation will be considered upon reapplication.

(B) *Applicants for City licenses.*

(1) *Purpose*. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota=s Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

(2) Criminal history license background investigations. The Police Department or County Sheriff=s Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants and their employees for the following licenses or permits within the city:

City Licenses: Liquor Licenses, under Chapter 112 of this code, and any applicants under Chapters 113, 114, 116, 118, or 119 of this code.

(3) In conducting the criminal history background investigation in order to screen license or permit applicants, the Police Department or Sheriff Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department or Sheriff=s Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Clerk or other City staff involved in the license approval process.

(4) Before the investigation is undertaken, the applicant must authorize the Police Department or Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 as it may be amended from time to time regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 364.09 as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant=s prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant=s request on this basis, the City shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial.

(b) The applicant complaint and grievance procedure set forth in M.S. ' 364.06.

(c) The earliest date the applicant may reapply for the license.

(d) That all competent evidence of rehabilitation will be considered upon reapplication.

CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS

Section

Police Department

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31.50 Advisory Park and Recreation Board

POLICE DEPARTMENT

' 31.01 POLICE DEPARTMENT CONTINUED.

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

' 31.02 CHIEF OF POLICE.

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

' 31.03 DUTIES OF POLICE.

Members of the Police Department are authorized to 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 are authorized to serve processes on behalf of the city and shall serve those notices as may be required

by the City 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 fees shall be paid into the city treasury.

' 31.04 UNIFORM AND BADGE.

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

' 31.05 RESERVE OFFICERS.

(A) The Chief of Police may appoint, for a specified time, as many reserve officers as may be necessary. Reserve officers shall be subordinate to the Chief of Police. Under the provisions of M.S. ' 626.84, Subd. 1(e), as it may be amended from time to time, a ***RESERVE OFFICER*** is an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties shall not include enforcement of the general criminal laws of the state, and the reserve officer does not have full powers of arrest or authorization to carry a firearm on duty.

(B) The Chief of Police, or City Council if there is no Police Chief, may appoint, for a specified time, as many parking enforcement officers pursuant to M.S. ' 168B.035 Subd. 2, as it may be amended from time to time, as may be necessary. The parking enforcement officers shall be subordinate to the Chief of Police, if there is one, or the City Clerk. A ***PARKING ENFORCEMENT OFFICER*** is an individual whose services are utilized by a law enforcement agency to provide parking enforcement and administrative or clerical assistance. A parking enforcement officer=s duties shall not include enforcement of the general criminal laws of the state, and the parking enforcement officer does not have full powers of arrest or authorization to carry a firearm on duty.

VOLUNTEER FIRE DEPARTMENT

' 31.20 VOLUNTEER FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.

(A) If, at the time of the adoption of this code, the city has a Volunteer Fire Department, there is continued in this city a Volunteer Fire Department. If the city, at the time of the adoption of this code, does not have a Volunteer Fire Department, the City Council may by resolution create a Volunteer Fire

Department subject to the provisions of this code. All Volunteer Fire Departments are established under the authority of state law, M.S. ' 412.221, Subd. 17, as it may be amended from time to time.

(B) All officers of the Volunteer Fire Department shall be appointed by the City Council. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than two weeks from the time the position becomes open. The officer so appointed is so appointed for any period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be appointed by the City Council upon recommendation by the Chief of the Volunteer Fire Department. The process of recruitment, selection, appointment and termination of firefighters and probationary firefighters shall, as required by state law, follow all of the provisions of the Veteran's Preference Act, M.S. ' ' 43A.11 and 197.46, as they may be amended from time to time, and, as required by state law, there shall be no discrimination on the basis of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation or disability (except based on a bona fide occupational qualification) as provided by the Minnesota Human Rights Act, M.S. Ch. 363A, as it may be amended from time to time. Firefighters shall continue as members of the Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council for cause after a public hearing.

(D) As required by state law, M.S. ' 412.241, as it may be amended from time to time, the City Council shall have full authority over the financial affairs of the Volunteer Fire Department, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. This division does not apply to the funds of any Fire Relief Association.

' 31.21 DUTIES OF CHIEF.

The Chief shall have control of all fire fighting apparatus and shall be responsible for its care and condition. The Chief shall make a report semi-annually to the City Council at its meeting in March and in September as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

' 31.22 [RESERVED]

' 31.23 RECORDS.

The Chief shall keep in convenient form a record of all fires. The record shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner or tenant, purpose for which occupied, value of building and contents, members of the Volunteer Fire Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the City Council or state law or regulation.

' 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

' 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Volunteer Fire Department, the Assistant Chief shall perform all functions and exercise all of the authority of the Chief.

' 31.26 FIREFIGHTERS.

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

' 31.27 [RESERVED]

' 31.28 COMPENSATION.

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

' 31.29 INTERFERENCE WITH VOLUNTEER FIRE 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 or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties. Penalty, see ' 10.99

' 31.30 POLICIES AND PROCEDURES.

The Volunteer Fire Department may adopt policies and procedures for the operation of the department, which shall be effective upon approval by the City Council. Any provision of these policies and procedures, which may be called a Constitution and Bylaws, which is inconsistent with state and federal law, including the Veterans Preference Act, Minnesota Human Rights Act, and state laws requiring the City Council to control Fire Department Finances, shall be unenforceable and void.

PLANNING COMMISSION

' 31.45 ESTABLISHMENT OF THE PLANNING COMMISSION.

If, at the time this code is adopted, the city has a Planning Commission, the Planning Commission for the city is hereby continued. If the city did not have a Planning Commission at the time of the adoption of this code, the City Council may at any time determine to establish a Planning Commission by appointing members to the Planning Commission as provided in ' 31.46 of this code. To the extent that any provisions of '' 31.45 to 31.48 of this code are inconsistent with any provisions of Titles XV or XVII, the provisions of those titles shall prevail. The Planning Commission shall be the city planning agency authorized by M.S. ' 462.354(1), as it may be amended from time to time.

' 31.46 COMPOSITION.

(A) The Planning Commission shall consist of seven members from the resident population of the city to be appointed by the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the City Council, shall appoint a person to complete the unexpired term.

(B) One member may be a Council Member or the City Clerk, to be appointed by the City Council. This member shall serve for a one year term, to expire on December 31 of each year.

(C) Other persons may serve in an ex officio capacity as the City Council may, in its discretion, deem appropriate.

(D) Each of the five regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

' 31.47 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine is necessary.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

' 31.48 POWERS AND DUTIES; COMPREHENSIVE PLAN.

(A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by the City Council or city policy. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission shall periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *Zoning ordinance.* Pursuant to M.S. ' 462.357, Subd. 4, as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by the City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report recommendations to the City Council for action.

(D) *Conditional permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(E) *Interim Use Permits.* The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action

(F) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(G) *Variances.* All applications for variances may be referred to the Planning Commission which may conduct public hearings as directed by the City Council or city policy, and forwarded with or without recommendations directly to the City Council, which shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. ' 462.357, Subd. 6, as it may be amended from time to time for its decision.

(H) *Official Map.* Pursuant to M.S. ' 462.359 subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any

portion thereof. The official map or maps shall be prepared in sufficient detail to permit establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed surveyor.

(I) *Appeals to denials of zoning, land use or building permits based on the official map.* All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, Subd. 4, as it may be amended from time to time for its decision.

(J) *Purchase and sale of real property.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgement it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(K) *Capital improvements.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings, as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(L) *Comprehensive Plan amendments.* Pursuant to M.S. ' 462.355, Subds. 2 and 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council on comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

ADVISORY PARK AND RECREATION BOARD

' 31.50 ADVISORY PARK AND RECREATION BOARD.

(A) If the city has an Advisory Park and Recreation or similar Board at the time this code is adopted, that Board is hereby continued. If the city had no Board but wishes to create one, it may do so by resolution, and the provisions of this code will apply.

(B) The Board shall consist of five members from the resident population of the city to be appointed by the Mayor with the approval of the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the Mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term.

(C) (1) At the first regular meeting in January, the Board shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Board may create and fill other offices as it may determine.

(2) The Board shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(3) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Board meeting.

(4) No expenditures by the Board shall be made unless and until authorized for the purpose by the City Council.

(D) The Board will consult with the City Council and the Planning Commission and shall be advisory to the City Council in matters relating to park lands, park facilities, park and recreation programs and finances. The Board may meet with various groups on matters relating to park and recreation activities.

CHAPTER 32: EMERGENCY MANAGEMENT

Section

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' 32.01 POLICY AND PURPOSE.

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, or from sabotage, 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 those 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, it is hereby found and declared to be necessary:

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

(B) To provide for the exercise of necessary powers during emergencies and disasters.

(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.

(D) To comply with the provisions of M.S. ' 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

' 32.02 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, fire-fighting 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 Acivil 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.

' 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. 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 Council. The emergency management organization shall conform to and be consistent with, where applicable, all state and federal requirements, including the National Incident Management System framework found at 44 CFR part 201, as it may be amended from time to time.

' 32.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director 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 Plan, the Director shall institute training programs, 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 those 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.

' 32.05 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.

(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.
Penalty, see ' 32.99

' 32.06 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 regulation, 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) 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. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk'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. ' 12.37, 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 ' 32.99

' 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

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 would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

' 32.08 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.

' 32.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.