

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 30.01 CITY SEAL.

(A) The official city seal shall be a circular disc having engraved thereupon "CITY OF WINDOM" and other words, figures and emblems as the Council may, by resolution, designate.

(B) The seal shall be kept in the custody of the City Administrator and affixed by him or her.
(Prior Code, § 2.05)

§ 30.02 RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Administrator or any other city official, or any board or commission not having within its structure an appellate procedure, the aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Administrator at least five days prior to any regular Council meeting. The request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At the hearing, the appellant may present any evidence he or she deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his or her own motion or the motion of the appellant, the City Administrator or a member of the Council, adjourn the hearing to a more convenient time or place, but the time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

(Prior Code, § 2.06)

§ 30.03 PROCEDURES FOR ACTION ON APPLICATIONS AND PETITIONS.

The following procedures shall be applied in granting or denying any application or petition under this section.

(A) Notwithstanding any city code provision to the contrary, any application or petition (hereafter, "the request") made under the city code shall receive final action, or have the final action date extended, within 60 days of submission of written materials required herein, or the request shall be deemed approved. The city shall have ten business days following receipt of the materials to give written notice that required information has been omitted. The city may extend the time for final action up to an additional 60 days upon written notice to the applicant or petitioner, given within the initial 60-day period, stating the basis for the extension. The time limit set forth above may be additionally extended in order to comply with state statute, federal law or court order.

(B) The applicant shall make a written request providing information as is necessary to the city on a form supplied by the city and make payment of a filing fee as established by Council resolution.

(C) Where a hearing is otherwise required under the city code or state statute, the appropriate reviewing body shall hold a public hearing on the application or petition. Notice of the hearing shall be published in the official newspaper at least ten days before the hearing. Written notice shall be sent to all persons to which the application or petition applies. Failure of a person to receive the notification shall not invalidate the proceedings; provided, a bona fide attempt to comply with these provisions has been made.

(D) After review of the request and within 14 days after the hearing, the reviewing body shall adopt findings based upon the evidence established during the hearing, and recommend and transmit a recommendation to the Council. A copy of the recommendation shall be mailed to the applicant.

(E) In granting a request under the provisions of this section, the reviewing body shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the statutes, regulations or provisions of the city code to which the request applies.

(F) Prior to the scheduled public hearing, the applicant shall prepare and submit the appropriate exhibits for distribution to the reviewing body and to interested parties.

(G) The Council shall take action on the proposed recommendation following the procedure for adoption of ordinances; provided that, if the Council amends the recommendation, the amended recommendation shall not be enacted until the reviewing body has taken action on the amended recommendation through the procedures outlined in this section.

(Prior Code, § 2.06.1) (Ord. 108, 2nd Series, eff. 11-5-1998)

§ 30.04 FACSIMILE SIGNATURES.

(A) The Mayor and City Administrator are hereby authorized to request a depository of city funds to honor an order for payment when the instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature.

(B) The authority is granted only for the purpose of permitting the officers an economy of time and effort; provided, however, that, only one signature shall be facsimile and the other shall be manually affixed.

(Prior Code, § 2.07)

§ 30.05 PERSONNEL RULES AND REGULATIONS.

The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. The rules may from time to time be amended.

(Prior Code, § 2.72)

§ 30.06 PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.

(A) *Partial prepayment of assessments permitted.* After the adoption of an assessment roll pursuant to M.S. Ch. 429, as amended from time to time, and before certification of the assessment roll to the County Auditor, the City Administrator or other authorized official is authorized and directed to accept partial prepayment of the assessment and reduce the amount certified to the County Auditor accordingly. As provided by law, the partial prepayment may be accepted only during the 30-day period following approval of the assessment roll.

(B) *Scope.* This section shall apply to all assessment rolls which, on the effective date hereof, have been adopted by the Council, but not yet certified to the County Auditor, and to all assessment rolls subsequently adopted by the Council.
(Prior Code, § 2.73)

ACCOUNTS, CLAIMS OR DEMANDS

§ 30.20 GENERALLY.

Except as to an annual salary, fees of jurors or witnesses fixed by law, or wages or salaries of employees which have been fixed on an hourly, daily, weekly or monthly basis by the Council and which, by law, are authorized to be paid on a payroll basis, any account, claim or demand against the city which can be itemized in the ordinary course of business, the Council shall not audit or allow the claim until the person claiming payment, or his or her agent, reduces it to writing, in items, and signs a declaration to the effect that the account, claim or demand is just and correct and that no part of it has been paid.
(Prior Code, § 2.08)

§ 30.21 DISCRETIONARY EXCEPTION.

The Council may, in its discretion, allow a claim prepared by the City Administrator prior to the declaration by the claimant if the declaration is made on the check by which the claim is paid.
(Prior Code, § 2.08)

§ 30.22 FORM OF DECLARATION.

The declaration provided for in § 30.20 is sufficient in the following form: "I declare under the penalties of law that this account, claim or demand is just and correct and that no part of it has been paid.
Signature of Claimant."
(Prior Code, § 2.08)

§ 30.23 FORM AND EFFECT OF DECLARATION ON CHECK.

The declaration provided for in § 30.21 shall be printed on the reverse side of the check, above the space for endorsement thereof by the payee, as follows: "The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the city, and that no part

of it has heretofore been paid.” When endorsed by the payee named in the check, the statement shall operate and shall be deemed sufficient as the required declaration of claim.
(Prior Code, § 2.08)

§ 30.24 SIGNING CHECKS.

All checks shall be signed by the Mayor and City Administrator.
(Prior Code, § 2.08)

§ 30.99 PENALTY.

Every person violates a section, division, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof.
(Prior Code, § 2.99)

CHAPTER 31: CITY COUNCIL

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City Council

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- 31.02 Council meetings; time and place
- 31.03 Special meetings

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- 31.21 Compelling attendance of absent members

CITY COUNCIL

§ 31.01 AUTHORITY AND PURPOSE.

This chapter of the city code is enacted to set down for enforcement the government and good order of the city by and through the Council.
(Prior Code, § 2.01)

§ 31.02 COUNCIL MEETINGS; TIME AND PLACE.

Regular meetings of the Council shall be held in the Council Chambers on the first and third Tuesdays of each month. The time of the meeting shall be set annually by the Council in January of each year, except for 2019 when the meeting time will be set in March of 2019. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next day at the same time.

(Prior Code, § 2.02) (Ord. 175, 2nd Series, passed 2-19-2019)

§ 31.03 SPECIAL MEETINGS.

Special meetings, except an emergency meeting or a special meeting for which a notice requirement is otherwise expressly established by statute, may be called by the Mayor or by any two members of the Council by a writing filed with the City Administrator. Notice of a special meeting shall be given by the City Administrator to each member of the Council by mailing a copy of the filing to all members and also to each person who has filed a written request with the Council for notice of special meetings. The mailed notice shall be mailed or delivered by personal service at least three days prior to the time stated therein for the special meeting. Written request to the Council for notice of special meetings shall expire on June 30 of each calendar year. At least 60 days prior to the termination date, the City Administrator shall send written notice to each person appearing on the expiring list notifying him or her of the time and method for submitting renewal requests for notice of special meetings. As an alternative to mailing or personal service of notice of special meetings on all persons who have filed a written request for notice of the meetings, the city may publish the notice once, at least three days before the meeting in the official newspaper. This provision will not waive the obligation of the city to give written notice of special meetings to all journalists, radio stations and television stations who have filed a written request for notice with the Council. Special meetings may be held without prior written notice when all Council members are present at the meeting or consent thereto in writing. The consent shall be filed with the City Administrator prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time to time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency, require the notice, but may be called by telephone communication or other expeditious means.

(Prior Code, § 2.03) (Ord. 6, 2nd Series, eff. 4-27-1995)

SPECIAL ELECTIONS**§ 31.10 DEFINITIONS.**

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

GENERAL ELECTION. A **GENERAL ELECTION** is an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

SPECIAL ELECTION. A **SPECIAL ELECTION** is an election held at any time to fill vacancies in public offices.

VACANCY. A vacancy occurs for the reasons stated in M.S. § 351.02 or other state law and city Charter § 2.05.

(Ord. 159, 2nd Series, passed 12-6-2016)

§ 31.11 APPOINTMENT TO VACANCY.

Pursuant to M.S. § 412.02, Subd. 2a, a person shall be appointed by the City Council to fill the vacancy until the special election is held and the winner of the special election is qualified to take office.

(Ord. 159, 2nd Series, passed 12-6-2016)

§ 31.12 SPECIAL ELECTION TIMING.

If a vacancy occurs, the vacancy for the remainder of the unexpired term will be filled as referenced in City Charter.

(Ord. 159, 2nd Series, passed 12-6-2016; Am. Ord. 184, 2nd Series, passed 1-21-2020)

RULES OF COUNCIL PROCEDURE.

§ 31.15 PRESIDING OFFICER.

(A) The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Alderman-at-Large shall preside. In the absence of both, the City 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.

(B) 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.

(C) Any member may appeal to the Council from 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 his or her 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 exclusive of the Presiding Officer.

(D) Whenever the Presiding Officer desires to speak on any question or to make or second any motion, he or she shall vacate the chair, designate the Acting Mayor, or in his or her absence, some other Council member, to preside temporarily, and shall not resume the chair until the matter under consideration has been acted upon by the Council.

(Prior Code, § 2.04)

§ 31.16 MINUTES.

(A) Minutes of each Council meeting shall be kept by the City 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 City Administrator and can be accurately identified from the description given in the minutes.

(B) (1) The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Mayor and City Administrator, and copies thereof shall be delivered to each Council member as soon as practicable after the meeting. At the next regular Council meeting following the 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.

(2) 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.

(Prior Code, § 2.04)

§ 31.17 ORDER OF BUSINESS.

(A) An agenda of business for each regular Council meeting shall be prepared and filed in the office of the City Administrator not later than five days preceding the meeting. Copies of the agenda shall be mailed to each Council member and to the City Attorney as far in advance of the meeting as time for preparation will permit.

(B) No item of business shall be considered unless it appears on the agenda for the meeting, but the Council may, in its discretion, consider matters not appearing on the agenda.

(Prior Code, § 2.04)

§ 31.18 QUORUM AND VOTING.

The votes of the members on any question pending before the Council may be by voice vote, standing vote or in any other manner of voting which signifies the intention of the members; but, if the vote is not unanimous, there shall be a roll call and the names of those voting for and against the question shall be recorded in the minutes. If any member being present does not vote, the minutes, as to his or her name, shall be marked "present - not voting".

(Prior Code, § 2.04)

§ 31.19 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS.

(A) All motions shall be recorded in the minutes and stated in full before they are submitted to a vote by the Presiding Officer. All petitions and other communications addressed to the Council shall be in writing and shall be read in full upon presentation of the same to the Council. They shall then be recorded in the minutes by title and filed in the office of the City Administrator.

(B) Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the City Administrator and filed by him or her in the ordinance or resolution book. Proof of publication of every ordinance shall be attached to and filed with the ordinance.

(C) 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 resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended.

(Prior Code, § 2.04)

§ 31.20 SUSPENSION OR AMENDMENT OF RULES.

These rules, or any of them, may be temporarily suspended by a majority vote of all the Council members, and shall not be repealed or amended, except by a majority vote of the whole Council after notice has been given at some preceding Council meeting.

(Prior Code, § 2.04)

§ 31.21 COMPELLING ATTENDANCE OF ABSENT MEMBERS.

Pursuant to City Charter Chapter III, § 3.02, the following rule of attendance at regular Council meetings is adopted: after any Council member has been absent from five successive regular meetings, the City Administrator shall investigate the facts and report to the Council. If, upon receiving and considering the report, the Council finds that city business has been materially hampered or impaired

by reason of the absence, it shall call a hearing thereon to be held upon 20 days' written notice served in person or by certified mail upon the absent Council member. If, after hearing thereon, it is made to appear to the Council members other than the one whose absence is the object of hearing that actual malfeasance is involved in the absences, then the Council shall, by majority vote, urge the resignation of the absent member.

(Prior Code, § 2.04) (Ord. 36, 2nd Series, eff. 4-10-1986)

CHAPTER 32: EMPLOYEES AND OFFICIALS

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General Provisions

- 32.01 Workers' compensation
- 32.02 Salaries of Mayor and Council members

Interim Emergency Succession

- 32.15 Purpose
- 32.16 Succession to local offices
- 32.17 Duties of the Interim Emergency Council

GENERAL PROVISIONS

§ 32.01 WORKERS' COMPENSATION.

The following officers of the city elected or appointed for a regular term of office or to complete the unexpired term or portion thereof of any regular term shall be included in the definition of "employee", as defined in state statutes relating to coverage for purposes of workers' compensation entitlement: Mayor and Council members, Planning Commission members, Arena Commission members and the Civil Defense Director.

(Prior Code, § 2.10) (Ord. 52, 2nd Series, eff. 5-11-1989)

§ 32.02 SALARIES OF MAYOR AND COUNCIL MEMBERS.

(A) The annual salary of the Mayor shall be \$6,900.

(B) The annual salary of the Council members shall be \$5,300.

(C) To reduce the cost of distribution of Council material and to facilitate the dissemination of Council documents through the use of electronic technology, an additional technology payment in the amount of \$700 shall be made to the Mayor and each Council member in January of each odd-numbered year.

(D) Beginning in 2024, the Mayor's and Council members' annual salaries will be adjusted to include the supervisory annual general wage percentage increase.

(E) Special City Council Meeting pay shall be \$50 per meeting attended.

(F) The annual salaries shall be paid at intervals as the Council shall from time to time determine by resolution.

(G) The salaries provided for herein shall be effective January 1, 2023.

(Prior Code, § 2.11) (Ord. 115, 2nd Series, eff. 1-2-2001; Ord. 127, 2nd Series, passed 11-7-2006; Ord. 139, 2nd Series, passed 12-4-2012; Ord. 195, 2nd Series, passed 11-1-2022)

INTERIM EMERGENCY SUCCESSION

§ 32.15 PURPOSE.

Due to the existing possibility of a nuclear attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the city to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

(Prior Code, § 2.09)

§ 32.16 SUCCESSION TO LOCAL OFFICES.

(A) In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the city, the Mayor, Council and City Administrator shall be forthwith notified by any one of the persons and by any means available to gather at the city hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated.

(B) Those gathered shall proceed as follows.

(1) By majority vote of those persons present, regardless of number, they shall elect a Chairperson and Secretary to preside and keep minutes, respectively.

(2) They shall review and record the specific facts relating to the nuclear attack or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.

(3) They may, based on facts, declare a state of emergency.

(4) By majority vote of those persons present, regardless of number, they shall fill all positions on the Council (including the Office of Mayor), of those persons upon whom notice could not be served or who are unable to be present.

(5) Interim successors shall serve until the time as the duly elected official is again available and returns to his or her position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.
(Prior Code, § 2.09)

§ 32.17 DUTIES OF THE INTERIM EMERGENCY COUNCIL.

The Interim Emergency Council shall exercise the powers and duties of their offices and appoint other key government officials to serve during the emergency.
(Prior Code, § 2.09)

CHAPTER 33: CITY ORGANIZATIONS

Section

- 33.01 Legal Department
- 33.02 Building Department
- 33.03 Park and Recreation Commission
- 33.04 Hospital Board
- 33.05 Planning Commission
- 33.06 Board of Adjustments and Appeals
- 33.07 Library Board
- 33.08 Housing Advisory and Appeals Board
- 33.09 Economic Development Committee
- 33.10 Multi-Purpose Center Commission
- 33.11 Telecommunications Commission
- 33.12 Nuisance Board

§ 33.01 LEGAL DEPARTMENT.

A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be head of the Legal Department, together with assistants as may be necessary, who shall serve at the pleasure of the Council. The City Attorney shall perform duties as are required of him or her by law or referred to him or her by the Council. It shall be the official duty of the City Attorney to act as “Revisor of Ordinances”.

(Prior Code, § 2.30)

§ 33.02 BUILDING DEPARTMENT.

A Building Department is hereby established. The head of the Building Department shall be the Building Inspector (referred to in the State Building Code as the “Administrative Authority”), together with assistants and staff members as may be authorized from time to time by the Council. It shall be the duty and power of the Building Inspector to carry out the provisions of the State Building Code and the ordinances of the city relating to construction. The Building Inspector shall submit a periodic report to the Council covering the work of his or her Department for intervals required by the Council.

(Prior Code, § 2.31)

§ 33.03 PARK AND RECREATION COMMISSION.

(A) *Establishment and composition.* A Park and Recreation Commission is hereby established consisting of seven members to be appointed by the Mayor with the consent of the Council. Two newly appointed members shall serve until December 31, 2016. Thereafter, each member shall serve for a term of three years from the date of his or her appointment, and until his or her successor is appointed and qualified. The Council shall appoint two of its members to serve as ex-officio members of the Commission.

(B) *Officers and proceedings.* The Commission shall elect one of its members as Chairperson, another as Vice-Chairperson and another as Secretary. The Commission shall keep an accurate record of its proceedings and shall meet at the times as it may determine.

(C) *Powers and duties.* The Commission shall have the following powers and duties:

(1) To prepare and recommend to the Council a comprehensive plan of parks and recreational facilities, looking to the present and future needs of the city and its inhabitants. The comprehensive plan shall be prepared in cooperation with other city boards and commissions;

(2) To prepare and recommend to the Council from time to time changes in the plan or any part thereof as may be deemed necessary by the Council or by the Commission;

(3) To prepare and recommend to the Council from time to time plans and recommendations for specific improvements in pursuance of the plan;

(4) To give aid to the city officials charged with the implementation of the plan, to further the making of improvements and generally to promote the realization of the plan; and

(5) To prepare and recommend to the Council, prior to the first Council meeting in August of each year, a comprehensive budget covering general recreation programs, swimming pool and park programs.

(D) *Funds.* All receipts on account of the city parks and recreation centers, whether arising from rentals, donation or sale of any part thereof, shall be deposited in the Park and Recreation Fund in the City Treasury.

(E) The dates and times for the regular business meetings of the Commission shall be set annually by the Commission in January of each year.

(Prior Code, § 2.50) (Ord. 79, 2nd Series, eff. 6-10-1993; Ord. 133, 2nd Series, passed 5-5-2009; Ord. 149, 2nd Series, passed 2-17-2015; Ord. 158, 2nd Series, passed 11-15-2016)

§ 33.04 HOSPITAL BOARD.

(A) *Establishment and composition.* A Hospital Board is hereby established which shall be responsible for the control, management and operation of all hospital facilities owned by the city. The membership of the Board shall consist of seven members appointed by the Mayor, for three-year staggered terms, the appointments to be confirmed by the Council. In addition, the Mayor shall annually appoint a member of the Council to act as an ex-officio member of the Board to have no vote in its affairs.

(B) *Officers.* The Hospital Board shall elect a President, Vice-President, Secretary and Treasurer. One official may serve as both Secretary and Treasurer.

(C) *Powers and duties.*

(1) The Board shall be responsible for the maintenance and operations of all hospital and other similar health care facilities owned and operated by the city and may make bylaws, rules and regulations as it deems appropriate for the performance of its functions. The Board shall receive all earnings of the hospital and other health care facilities, and all donations, contributions and other funds, including proceeds of taxes, given or collected for hospital purposes. All funds shall be disbursed as ordered by the Board. The Board shall employ an administrator and other employees as may be required for the performance of the Board's obligations and shall establish their rates of pay.

(2) The Board shall have all of the above authority exclusively, except when the Council provides funds, from taxes or other city funds, then the Council shall have authority to make recommendations or issue orders to be complied with by the Hospital Board and the Hospital Board shall implement the orders and shall implement and/or respond to the Council's recommendations within time prescribed by the Council of the order or recommendations. All orders or recommendations shall be reduced to written form and delivered to the Hospital Board President or Vice-President in his or her absence by the City Administrator within 24 hours of the Council action.

(D) *Meetings.* The Board shall hold meetings at least once each month at a time and place fixed by the bylaws. Notice of the meetings shall be given as provided in the by-laws. Four members present at any meeting shall constitute a quorum. The act of a majority of members present at a meeting at which a quorum is present is the act of the Board.

(E) *Funds.* All funds received from the operations of the hospital and other health care facilities, or provided therefor by order of the Council, shall be kept in a separate account and used solely for hospital purposes. The Hospital Board shall have authority to expend money therefrom in accordance with M.S. § 471.345, entitled "Uniform Municipal Contracting Law", and any amendments thereto, as amended from time to time.

(F) *Reports.* The Board shall submit to the Council an audited statement 90 days after the close of the fiscal year. The year shall include an inventory of all property and assets under the Hospital Board. The Board shall also submit other reports as may from time to time be required by the Council or City Administrator.

(G) *Audit.* The Council reserves the authority to call for a financial audit, by an auditor designated by the Council, at any and all time.

(Prior Code, § 2.51) (Ord. 51, 2nd Series, eff. 2-2-1989)

§ 33.05 PLANNING COMMISSION.

(A) *Officers.* The Planning Commission created and established by and under the Charter of the city shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill other offices as it may determine. The Zoning Administrator shall act as Secretary of the Planning Commission, but he or she shall not be a member.

(B) *Meetings, proceedings and expenditures.*

(1) The Commission shall meet regularly and as often as may be necessary and shall meet at least four times a year on the second Tuesday of the months of January, April, July and October of each year. Rules for the transaction of its business shall be adopted from time to time and record kept of its resolutions, transactions and findings, which shall be a public record.

(2) On or before January 1 of each year, the Commission shall submit to the Council a report of its work during the preceding year. Expenditures of the Commission shall be within the amount appropriated for the purpose by the Council.

(C) *Powers and duties.*

(1) The Commission shall be the Planning Agency and shall have the powers and duties given the agency generally by the laws of the state 1965, Ch. 670 (M.S. §§ 462.351 et seq., as amended from time to time). It shall also exercise the duties conferred upon it by this section.

(2) Any zoning ordinance or amendment thereto shall not be adopted by the Council until a public hearing has been held thereon by the Commission after notice as provided by law.

(3) After adoption of a major thoroughfare plan and a community facilities plan, the Planning Commission with the assistance of the City Engineer, may and upon instructions by the City Council shall prepare an official map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon such map the land that is needed for future street purposes and as sites for other necessary public facilities and services within the city.

(4) After such map has been prepared, it shall be submitted to the Council, which shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the Council, a public hearing shall be held upon the proposal at least ten days after a notice of the time, place and purposes thereof has been published in the official city newspaper. After such map has been adopted by the Council and filed with the register or deeds, whenever any street or highway is widened or improved or any new street is opened, interest in land for other public purposes are acquired by the municipalities, it is not required in such proceedings to pay

for any buildings or structure placed without a permit or in violation of conditions of the permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes.

(5) Every proposed plat of land within the city or within two miles of the limits of the city or within a town which itself requires the approval of plats shall be submitted to the Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the Council. Before approving a plat, the Council shall submit the same to the Planning Commission for its review and recommendation. Any plat so referred shall be returned to the Council by the Commission within 50 days and failure of the Commission to report within the period shall constitute its approval of the plat.

(D) *Unlawful act.* It is unlawful for any person to sell, or offer for sale, land by reference to or by use of any plat which has not been approved by the Council in accordance with this section. (Prior Code, § 2.52) Penalty, see § 10.99

§ 33.06 BOARD OF ADJUSTMENTS AND APPEALS.

The Council shall act as the Board of Adjustments and Appeals under the provisions of Ch. 152 of this code of ordinances. (Prior Code, § 2.53)

§ 33.07 LIBRARY BOARD.

(A) *Establishment and composition.* A Library Board composed of seven members, all of whom shall be residents of the city and shall serve staggered three-year terms, is hereby established. All appointments for a full term, or to fill a vacancy for an unexpired term, shall be made by the Mayor with the approval of the Council, and a member may be removed in the same manner for misconduct or neglect. No more than one Council member shall be a member of the Board. Members shall receive no compensation for their services, but may be reimbursed for actual and necessary travel expenses incurred in the discharge of Board duties and activities.

(B) *Duties.* The duties of the Board are as follows:

(1) To annually elect from its membership a President, Secretary and other officers as it deems necessary; adopt rules and regulations for the government of the library and conduct of its business; appoint a qualified Library Director and other staff as necessary, establish compensation of employees and remove them for cause;

(2) To pay in to the City Treasury all money received for the library, and interest thereon, which shall be credited to the Library Fund and kept separate from the other money of the city, and paid out only upon approval of the Board;

(3) To have exclusive control of library grounds and rooms, and the construction of library buildings, and to lease rooms for library use if it finds it to be necessary or desirable; and

(4) To annually report to the Council receipts and their sources, disbursements and for what purposes, the number of library materials on hand, purchased and loaned, and other information it deems advisable; and to file the information with the State Department of Education not later than April 1 of each year.

(C) *Title to property.* All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by, the city for a library shall vest in, and be held in the name of, the city, and any conveyance, grant, donation, devise, bequest or gift made to, or in the name of, the library or Library Board shall be deemed to have been made directly to the city.
(Prior Code, § 2.54) (Ord. 10, 2nd Series, eff. 9-20-2004)

§ 33.08 HOUSING ADVISORY AND APPEALS BOARD.

(A) *Establishment and composition.* A Housing Advisory and Appeals Board, composed of five members who are not employees of the city and who shall serve staggered three-year terms, is hereby established. The Building Official shall be an ex-officio member and shall act as Secretary of the Board.

(B) *Powers and duties.* The Board shall have all of the powers and duties set forth in the Uniform Housing Code.
(Prior Code, § 2.55) (Ord. 36, 2nd Series, eff. 4-10-1986)

§ 33.09 ECONOMIC DEVELOPMENT COMMITTEE.

(A) *Establishment and composition.* An Economic Development Committee is hereby established consisting of three to five “at-large” persons to be appointed at the pleasure of the Mayor, with the consent of the Council. One member of the Council will be appointed by the Mayor to serve as liaison to the Economic Development Committee. The Mayor and City Administrator will be ex-officio members of the Economic Development Committee.

(B) *Officers and proceedings.* The Committee will elect one of its members as Chairperson. The Economic Development Director will serve as Secretary of the Committee. The Committee shall keep an accurate record of its proceedings. Meetings will be held at the call of the Chairperson or meetings may be convened by a majority of the members of the Committee.

(C) *Duties.* The Economic Development Committee will serve as a resource to support and further the economic development goals and objectives of the city. The Committee’s duties shall include, but are not limited to, direct support of the Economic Development Department, and its Director, in the planning and implementation of the city’s economic development programs, and those additional duties listed below:

- (1) To review any tax increment project in the city's economic development or redevelopment tax increment district;
- (2) To review and make recommendations to the city's Economic Development Director on economic development projects impacting city-owned land and buildings available for economic development purposes;
- (3) To review and make recommendations to the Economic Development Director on short- and long-range economic development plans impacting the city;
- (4) To provide education and legislative information to the Economic Development Director and the Council on issues affecting economic development;
- (5) Upon request, to evaluate, in writing, the job performance of the Economic Development Director. The Economic Development Director is to receive a copy of the performance evaluation. The performance evaluation is to be furnished to the City Administrator within 21 days of receiving the evaluation request; and
- (6) To conduct other economic development related activities as assigned by the Mayor.

(D) *Funds.* All receipts on account of the Economic Development Department whether arising from donations and loan payments (principal and interest) shall be deposited in the Economic Development Revolving Loan Fund in the City Treasury.
(Prior Code, § 2.56) (Ord. 78, 2nd Series, eff. 2-11-1993)

§ 33.10 MULTI-PURPOSE CENTER COMMISSION.

(A) *Establishment and composition.* A Multi-Purpose Center Commission is hereby established consisting of five voting members to be appointed by the Mayor with the consent of the Council. The Mayor will appoint at least one senior citizen representative who is 55 years of age or older and four at-large members to serve as members of the Commission. These five Commission appointments will be for three-year terms. The initial term for the Commission's appointed members shall be for one, two and three years, respectively. Thereafter, all Commission members shall be appointed for three-year terms. The Mayor shall also appoint two members of the City Council to serve as liaisons to the Commission. Council appointments will be made in January for a one-year term that expires December 31. The Multi-Purpose Center Manager shall also be an ex-officio, non-voting member on the Multi-Purpose Center Commission.

(B) *Officers and proceedings.*

(1) Following the Commission members' appointments, the Commission shall elect officers from its membership, at its annual organizational meeting. The newly elected officers will be President, Vice-President and Secretary, and shall serve for one year. The Secretary shall record and transcribe the

minutes of all Multi-Purpose Center Commission meetings. The minutes, after approval by the Multi-Purpose Center Commission, shall be signed by the President and Secretary.

(2) In the event of death, retirement, resignation, removal or disqualification of any officer during his or her term of office, the Mayor with Council approval shall appoint a member to complete the remainder of the term. The Vice-President will automatically succeed the President in lieu of any of the circumstances creating a vacancy.

(3) A member may resign at any time by mailing or delivering written notice to the Mayor at city hall. The resignation is effective without acceptance when the notice is given unless a later effective time is specified in the notice.

(4) Any or all of the members may be removed at any time, with or without cause, by the affirmative vote of a majority of the City Council. The vote shall be conducted pursuant to the rules governing the Council.

(5) The officers shall have the following privileges and duties.

(a) The President shall conduct the business of the Commission and shall preside at all meetings of the Commission. It shall be the duty of the President to advise the Commission of any intentions regarding special projects and, once discussed, shall be voted upon by the Commission for approval. The Multi-Purpose Center's annual budgets shall be developed by the manager, presented for review and recommendation for approval by the Commission, and will be submitted to the City Council for review and approval.

(b) The duties of the Vice-President are to assist the President in the discharge of his or her duties and to conduct himself or herself and to obtain the greatest possible acquaintance with the affairs and personnel of this Commission so as to enable him or her to preside at all meetings in the President's absence.

(c) The Secretary shall keep a correct and permanent record of all meetings and business transactions of the Commission. He or she shall receive and distribute the necessary reports to all members and committee chairpersons. He or she shall keep an accurate up to date roster of all members.

(d) The past President is available for counsel for the President and the Commission.

(6) All meetings of the Commission shall be governed by the parliamentary rules and procedures stipulated in the *Robert's Rules of Order*.

(7) The President or a majority of the Commission may call special meetings. Notice of meeting shall comply with the state's open meeting law, being M.S. Chapter 13D, as amended from time to time.

(8) A simple majority of three will constitute a quorum at the Commission meeting.

(9) The dates and times for the regular business meetings of the Commission shall be set annually by the Commission in January of each year.

(C) *Duties.*

(1) The Commission is empowered to carry out all business and acts incidental to the proper conduct and management affairs of the Commission.

(2) The duties of the Multi-Purpose Center Commission shall be:

(a) To provide broad direction to the manager, fitting into goals set by the Council;

(b) To implement and enforce all goals, policies and regulations established by the City Council;

(c) To establish goals and long-range plans and recommend them to City Council for approval;

(d) To promote communications and information gathering and dissemination for the benefit of the organization and the general public;

(e) To evaluate services and overall operational efficiencies at the Multi-Purpose Center facilities;

(f) To evaluate the manager annually, based on preset expectations;

(g) To monitor the budget, the condition of the facilities, the service to the customers and the morale of the staff;

(h) To promote the social-recreational values of the community and to promote the Multi-Purpose Center as an economic resource for business and industry in the region;

(i) To promote customer focus and teamwork;

(j) To recommend personnel actions:

1. Salary schedule/changes; and

2. Change in staffing patterns.

(k) The Multi-Purpose Center Commission shall serve as an advisory body to the City Council in matters of directing the future operation of the Multi-Purpose Center facilities. The Multi-Purpose Center Commission shall, upon request of the Council, make studies, investigations and recommendations to the Council regarding matter affecting the Multi-Purpose Center; and

(l) To approve program changes, fee changes, additions and hours.
(Prior Code, § 2.57) (Ord. 112, 2nd Series, eff. 3-24-1999; Ord. 158, 2nd Series, passed 11-15-2016; Am. Ord. 185, 2nd Series, passed 7-7-2020)

§ 33.11 TELECOMMUNICATIONS COMMISSION.

(A) *Establishment and composition.* A Telecommunications Commission is hereby established consisting of five members to be appointed by the Mayor with the consent of the Council. The Mayor will appoint at-large members to serve as members of the Commission. These five Commission appointments shall be for three-year terms. The initial term for the Commission appointed members shall be for one, two and three years, respectively. Thereafter, all Commission members shall be appointed for three-year terms. Council appointments for new and expired terms shall be made in January. Any and all of the members may be removed at any time, with or without cause, by the affirmative vote of a majority of the City Council.

(B) *Officers.* The Commission shall elect one of its members as President, another as Vice-President and another as Secretary. The officers shall have the following privileges and duties.

(1) *President.* The President shall conduct the business of the Commission and shall preside at all meetings of the Commission. The President is responsible for working with a telecommunications manager for the purpose of developing an annual budget and for making recommendations for approval by the Commission that will be submitted to the City Council for review and approval.

(2) *Vice-President.* The Vice-President shall assist the President in the discharge of the President's duties and shall act in place of the President in the President's absence.

(3) *Secretary.* The Secretary shall keep a correct and permanent record of all meetings and business transactions of the Commission and shall receive and distribute the necessary reports to all members.

(C) *Commission proceedings.* All meetings of the Commission shall be governed by parliamentary rules and procedures and pursuant to *Robert's Rules of Order*. The President, or majority of the Commission members, may call for a special meeting. Notice of the meeting shall comply with the state's open meeting law, being M.S. Chapter 13D, as amended from time to time. A simple majority will constitute a quorum at the Commission meetings. The Commission shall conduct business at least once per month as scheduled by the Commission.

(D) *Powers and duties.* The Telecommunications Commission shall generally have the following powers and duties.

(1) *Powers.*

(a) The Telecommunications Commission shall generally have the duties of installation, operation and maintenance of all telecommunications systems (voice, data and video) within the city

providing telecommunications services through the use of city-owned facilities to the citizens of the city. This includes, but is not limited to, the authority to provide local service through the re-sale of a local exchange carrier services, the purchase and recombination of a local exchange carrier's network elements or the use of a local service provider's own facilities.

(b) The powers and authority of the Commission shall be subject to the following terms and conditions.

1. The supply of telecommunications services shall, at all times, be in compliance with, and shall conform to, all state and federal laws and rules regulating the telecommunications.

2. The power and authority shall be subject to the review and approval of the City Council.

(2) *Duties.* The Telecommunications Commission is empowered to carry out all business and acts incidental to the proper conduct and management affairs of the Commission and shall have the following duties:

(a) To participate in and assist the City Council and its Personnel Department in the selection and hire of a telecommunications manager;

(b) To provide broad direction to the telecommunications manager fitting the goals set forth by the City Council;

(c) To establish, implement and enforce goals, policies and regulations in conjunction with those established by the City Council;

(d) To manage telecommunications facilities;

(e) If so delegated by the City Council, to fix and determine all rates and charges for all telecommunications services to the citizens of the city, and to establish rules, regulations and procedures concerning the connection and sale of the services;

(f) To evaluate services, current and future, and overall operational efficiencies of telecommunications services within the city;

(g) To evaluate personnel, staffing, equipment and procedures to the extent to which they are adequate to ensure compliance with an efficient telecommunications system and to ensure compliance with the Commission's rules and orders relating to service requirements, service quality, customer service, engineering, accounting and other relevant areas to telecommunications services;

(h) To review and recommend to the City Council personnel actions including, but not limited to, salary schedules and changes, and change in staffing; and

(i) To monitor the telecommunications budget, the conditions of facilities, the service to customers and the overall operation of the telecommunications services to the citizens of the city.

(E) *Fixing rates and charges for telecommunications services.* The Telecommunications Commission shall gather sufficient information to advise and make recommendation to the City Council for the purpose of establishing and fixing rates and charges for telecommunications services.

(F) *Effective date.* The effective date of this section shall be 11-26-2003.
(Ord. 124, 2nd Series, passed 11-18-2003; Ord. 158, 2nd Series, passed 11-15-2016)

§ 33.12 NUISANCE BOARD.

(A) *Establishment and composition.* A Nuisance Board which shall be comprised of three members, all of whom shall be residents of the city and shall serve staggered three-year terms, is hereby established. The members of the initial Nuisance Board shall serve one-, two-, and three-year terms respectively. All appointments for a full term or to fill a vacancy for an unexpired term shall be made by the Mayor with the approval of the Council and a member may be removed in the same manner for misconduct or neglect. No more than one Council member shall be a member of the Board. Members shall receive no compensation for their services, but may be reimbursed for actual and necessary travel expenses incurred in the discharge of Board duties and activities.

(B) *Officers and proceedings.* The Board shall elect one of its members as chairperson. The Building and Zoning Administrator's Office shall keep an accurate record of its proceedings. Meetings will be held at the call of the Building and Zoning Administrator after an owner of real estate in the city requests a hearing to determine if a nuisance (as defined by § 90.07(A)) exists on the owner's real estate.

(C) *Duties.* The Nuisance Board shall conduct a hearing, as soon as practicable, whenever an owner of real estate wants to contest that a nuisance exists on his or her real estate. The Board shall consider both written and oral testimony at the hearing. Following the close of the hearing, the Board shall mail its decision to the owner within ten business days following the hearing.

(D) If the Nuisance Board determines that a nuisance exists, the Board shall inform the owner by written notice of what is required to abate the nuisance and the amount of time the owner has to abate the nuisance. The notice shall also inform the owner that if the nuisance is not abated within the time specified, the city has the right to abate the nuisance and recover all costs, including, administrative costs, to abate the nuisance in the manner provided in § 90.07(D).

(E) *Administrative fees.* Any real estate owner who requests a hearing before the Nuisance Board shall be responsible for payment of administrative fees. The amount of these fees shall be established by resolution of the Council as adopted from time to time. These fees shall be payable to the Office of the City Administrator prior to the date of the scheduled Nuisance Board hearing. These administrative fees shall be in addition to any amounts billed by the city for any subsequent required abatement and associated administrative fees as set forth in § 90.07(D).

(F) *Assessment.* If the real estate owner fails to pay the administrative fees as set forth in division (E) above, then after notice and hearing as provided by M.S. § 429.061, as it may be amended from time to time, the City Administrator shall, on or before December 31 next following the hearing date, certify to the County Auditor, as special assessments, the total unpaid administrative fees against each separate lot or parcel to which the charges are attributable. The special assessments levied under this section shall be payable with real estate tax installment(s) the following year.

(Ord. 143, 2nd Series, passed 8-20-2013; Ord. 153, 2nd Series, passed 10-12-2015)

CHAPTER 34: EMERGENCIES; MANAGEMENT AND SERVICES

Section

Emergency Management

- 34.01 Statute adopted
- 34.02 Emergency Management Agency
- 34.03 Emergency preparedness plan

Fire Service Fees

- 34.15 Purposes and intent
- 34.16 Definitions
- 34.17 Parties affected
- 34.18 Rates
- 34.19 Billing and collection
- 34.20 Mutual aid agreement
- 34.21 Billing procedure for fire protection contracts with towns or other cities
- 34.22 Application of collections to budget

EMERGENCY MANAGEMENT

§ 34.01 STATUTE ADOPTED.

The State Emergency Management Act of 1996, M.S. Ch. 12, as amended from time to time, insofar as it relates to cities, is hereby adopted by reference as part of this subchapter, as fully as if set forth explicitly herein.

(Prior Code, § 2.12) (Ord. 102, 2nd Series, eff. 7-29-1998)

§ 34.02 EMERGENCY MANAGEMENT AGENCY.

There is hereby created within the city government an Emergency Management Agency, which shall be under the supervision of a Director to be appointed forthwith by the Mayor. The Director shall have

direct responsibility for the organization, administration and operation of the Emergency Management Agency, subject to the overall direction and control of the Council.
(Prior Code, § 2.12) (Ord. 102, 2nd Series, eff. 7-29-1998)

§ 34.03 EMERGENCY PREPAREDNESS PLAN.

The Council may, by resolution, adopt, from time to time amend or repeal an emergency preparedness plan for the city.
(Prior Code, § 2.12) (Ord. 102, 2nd Series, eff. 7-29-1998)

FIRE SERVICE FEES

§ 34.15 PURPOSES AND INTENT.

This subchapter is adopted for the purpose of authorizing the city to charge for fire service as authorized by M.S. §§ 366.011, 366.012 and 415.01, as amended from time to time.
(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.16 DEFINITIONS.

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

FIRE PROTECTION CONTRACT. A contract between the city and a town (township) or other city for the city to provide fire service.

FIRE SERVICE. Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication and any other services related to fire and rescue as may occasionally occur.

FIRE SERVICE CHARGE. The charge imposed by the city for anyone receiving fire service.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles or park trailers.

MUTUAL AID AGREEMENT. An agreement between the city and a town (township) or other city for the city's Fire Department to provide assistance to the fire department of a town or other city.
(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.17 PARTIES AFFECTED.

Parties affected are hereby designated to include:

(A) Owners of property within the city who receive fire service;

(B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the city; and

(C) Owners of property in towns (townships) or cities to which the city provides fire service pursuant to a fire protection agreement.

(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.18 RATES.

(A) Fire calls within the city limits will be billed \$1,000 per call.

(B) Fire calls outside of the city limits will be billed pursuant to the city or town (township) fire protection agreements.

(Ord. 128, 2nd Series, passed 5-15-2007; Ord. 164, 2nd Series, passed 8-1-2017)

§ 34.19 BILLING AND COLLECTION.

(A) Parties requesting and receiving fire services may be billed directly by the city. Additionally, if the party receiving fire services did not request services, but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the city will send a notice of delinquency.

(C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

(D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the city all charges collected on behalf of the

city. The city must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

(E) False alarms will be billed as a fire call, if the trucks have left the fire hall.
(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.20 MUTUAL AID AGREEMENT.

When the City Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.
(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.21 BILLING PROCEDURE FOR FIRE PROTECTION CONTRACTS WITH TOWNS OR OTHER CITIES.

When the City Fire Department provides fire service to another town (township) or city pursuant to a fire protection agreement, the billing will be determined by the agreement.
(Ord. 128, 2nd Series, passed 5-15-2007)

§ 34.22 APPLICATION OF COLLECTIONS TO BUDGET.

All collected fire charges will be city funds and used to off-set the expenses of the City Fire Department in providing fire services.
(Ord. 128, 2nd Series, passed 5-15-2007)