

**TITLE III: ADMINISTRATION**

Chapter

- 30. GENERAL PROVISIONS**
- 31. CITY ORGANIZATIONS**
- 32. PURCHASING POLICY**
- 33. ADMINISTRATIVE OFFENSES**
- 34. EMERGENCY MANAGEMENT**



## CHAPTER 30: GENERAL PROVISIONS

### Section

- 30.01 Authority and purpose
- 30.02 General rules
- 30.03 Votes of Council members
- 30.04 Right to administrative appeal
- 30.05 Facsimile signatures
- 30.06 Interim emergency succession
- 30.07 Salaries of Mayor and Council members
- 30.08 Accounts, claims or demands
- 30.09 Worker=s compensation
- 30.10 Franchises
- 30.11 Regulation for development of lots
- 30.12 Partial prepayment of special assessments
- 30.13 Investment of idle funds
- 30.14 Budget calendar
- 30.15 Reimbursements and advances for expenses
- 30.16 Criminal history background; employees, licenses

### ' 30.01 AUTHORITY AND PURPOSE.

Pursuant to the authority granted by the Charter, this chapter of the city code is enacted so as to set down for enforcement the government and good order of the city by and through the Council.

(1994 Code, ' 2.01)

### ' 30.02 GENERAL RULES.

Except as otherwise herein provided, *Robert=s Rules of Order* (Revised) shall govern all meetings and proceedings before the Council.

(1994 Code, ' 2.02)

### ' 30.03 VOTES OF COUNCIL MEMBERS.

(A) *Generally.* Votes of Council shall be by aye and nay, except as to matters requiring a recorded

roll call vote.

(B) *Recorded roll calls.* A recorded roll call vote shall be held as to all questions when requested by a member of the Council or the presiding officer.

(C) *Abstentions.* The vote of any member of the Council who abstains, or otherwise fails or refuses to vote upon any question, shall be deemed to be a vote with the majority otherwise voting thereon; provided, however, that if there is no majority otherwise voting thereon, the vote shall be deemed to be a nay vote.

(1994 Code, ' 2.03)

#### **' 30.04 RIGHT TO ADMINISTRATIVE APPEAL.**

If any person shall be aggrieved by any administrative decision of the City Clerk, the aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Clerk 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 Clerk 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.

(1994 Code, ' 2.10)

#### **' 30.05 FACSIMILE SIGNATURES.**

The Mayor and City Treasurer 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. The authority is granted only for the purpose of permitting the officers an economy of time and effort.

(1994 Code, ' 2.11)

#### **' 30.06 INTERIM EMERGENCY SUCCESSION.**

(A) *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.

(B) *Succession to local offices.* 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 Clerk 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. 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 the 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) The interim successors shall serve until a 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.

(C) *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.

(1994 Code, ' 2.12)

**' 30.07 SALARIES OF MAYOR AND COUNCIL MEMBERS.**

The salaries of the Mayor and Council members, effective January 1, 2013, are hereby fixed as follows, which amounts are deemed reasonable.

(A) The salary of the Mayor shall be \$700 per month.

(B) The salary of each Council member shall be \$500 per month.

(1994 Code, ' 2.13) (Ord. 155, passed 5-22-2012)

**' 30.08 ACCOUNTS, CLAIMS OR DEMANDS.**

(A) *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.

(B) *Discretionary exception.* The Council may, in its discretion, allow a claim prepared by the City Clerk prior to the declaration by the claimant if the declaration is made on the check by which the claim is paid.

(C) *Form of declaration.* The declaration provided for in division (A) above is sufficient in the following form; AI 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@.

(D) *Form and effect of declaration on check.* The declaration provided for in division (B) above shall be printed on the reverse side of the check, above the space for endorsement thereof by the payee, as follows: AThe 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.

(E) *Signing checks.* All checks shall be signed by the City Treasurer and the Mayor.  
(1994 Code, ' 2.14)

### ' 30.09 WORKER=S COMPENSATION.

All officers of the city elected or appointed for a regular term of office or to complete the unexpired portion of any regular term shall be included in the definition of Aemployee@ as defined in state statutes relating to coverage for purposes of worker=s compensation entitlement.  
(1994 Code, ' 2.15)

### ' 30.10 FRANCHISES.

(A) *Definition.* The term **FRANCHISE** as used in this section shall be construed to mean any special privileges granted to any person in, over, upon or under any of the streets or public places of the city, whether the privilege has heretofore been granted by it or by the state, or shall hereafter be granted by the city or by the state.

(B) *Franchise ordinances.* The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons

desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in those places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas or any other like utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make like use of the streets or public places or before proceeding to place the fixtures in those places.

(C) *Power of regulation reserved.* The city shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether the franchise has been heretofore granted by it or by the state.

(D) *Conditions in every franchise.* All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise.

(1) The grantee shall be subject to and will perform on its part all the terms of this section and will comply with all pertinent provisions of any City Charter and city code, as the same may from time to time be amended.

(2) The grantee shall in no case claim or pretend to exercise any power to fix fares, rates and charges: but that the fares, rates and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the state, in the manner following:

(a) A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation a fair return upon all money invested;

(b) If possible maximum rates and charges shall be arrived at by direct negotiation with the Council; and

(c) If direct negotiations fail to produce agreement, the Council shall, not less than 30 days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

(3) The Council shall have the right to require reasonable extensions of any public service system from time to time, and to make rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(4) The grantee shall not issue any capital stock on account of the franchise or the value thereof and that the grantee shall, have no right to receive upon condemnation proceedings brought by the city to acquire the public utility exercising the franchise, any return on account of the franchise or its value.

(5) No sale or lease of the franchise shall be effective until the assignee or leasee shall have filed with the city an instrument, duly executed, reciting the facts of the sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(6) Every grant in the franchise contained of permission for the erection of poles, masts or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.

(7) Every franchise shall contain a provision granting the city the right to acquire the same in accordance with statute.

(8) The franchisee may be obligated by the city to pay the city fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the city.

(E) *Further provisions of franchises.* The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any like franchise or renewal or extension thereof other and further conditions and restrictions as the Council may deem proper to protect the city=s interests, nor shall anything contained in this section limit any right or power possessed by the city over existing franchises. (1994 Code, ' 2.60)

### ' 30.11 REGULATION FOR DEVELOPMENT OF LOTS.

(A) This section shall apply to all undeveloped lots contained within plats approved and accepted by the Council prior to January 1, 1962. For purposes of this section, an **UNDEVELOPED LOT** is determined to be a lot which requires the extension of utility mains and/or streets to a position adjacent to or abutting the lot, for purposes of development of the lot.

(B) Prior to the issuance of a building permit for construction upon an undeveloped lot, the applicant and the city shall enter into an agreement which agreement shall provide, among other things, the following:

(1) A determination by the Council as to what portion of the cost of all improvements required to service the lot shall be borne by the applicants which portion shall be not less than 40%; and

(2) The payment of the applicant=s share of the cost, which shall be either by cash payment upon completion of the installation of the improvements or by special assessment against the lot, which assessment shall be paid in no more than five annual installments, each bearing interest at the rate of 6%

per annum.  
(1994 Code, ' 2.70)

**' 30.12 PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.**

(A) *Partial prepayment of assessments permitted.* After the adoption of an assessment roll pursuant to M.S. Chapter 429, as it may be amended from time to time, and before certification of the assessment roll to the County Auditor, the City Clerk or other authorized official, is authorized and directed to accept partial prepayment of the assessments but not less than 50% of the amount of any 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.  
(1994 Code, ' 2.80)

**' 30.13 INVESTMENT OF IDLE FUNDS.**

(A) *Authorization.* Pursuant to state statutes and this section, the city is authorized to invest any funds not presently needed for its obligations. In accordance the city may invest its idle funds in certain specified obligations and it may make interest-bearing deposits of the funds in state or national banks, and savings and loan associations.

(B) *Permissible investments and interest-earning deposits set forth.* Permissible investments and interest-earning deposits are set forth in this section.

- (1) Direct U.S. government obligations:
  - (a) Treasury bills;
  - (b) Certificates of indebtedness;
  - (c) Treasury notes; and
  - (d) Treasury bonds.
- (2) Federal agency issues (not directly guaranteed by the U.S. government):
  - (a) Federal Home Loan Banks;
  - (b) Federal National Mortgage Association;

- (c) Federal Land Banks;
  - (d) Federal Intermediate Credit Banks; and
  - (e) Banks for Cooperatives.
- (3) Obligations of the state or state municipalities.
- (4) Interest-bearing deposits.

(a) Time deposits shall be withdrawable and certificates of deposits and investments shall mature and bear interest payable at times and in amounts which, in the judgement of the city will provide cash at the times and in the amounts required for the purposes of paying the city obligations. There is one exception, however: the city may authorize the purchase of longer term investments subject to an agreement to repurchase the investments at times and prices sufficient to yield the amounts estimated to be so required. Repurchase agreement may be made with a bank qualified as a depository or with any national bank or state bank in the United States which is a member of the Federal Reserve System and whose combined capital and surplus equals or exceeds \$10,000,000 or with a reporting dealer to the Federal Reserve Bank of New York.

(b) The city is also authorized to enter into a reverse repurchase agreement with any institution with which it is authorized to make a repurchase agreement. A reverse repurchase agreement obligates the city to repurchase at a fixed future date and price a security sold by it to a financial institution.

(c) Any investments may be sold by the City Council at any time, but if the investment is made from a debt service fund or another fund dedicated to a particular purpose, the money received from the sale must remain a part of the fund until used for the purpose for which the fund was created.

(C) *Criteria for making wise investments.* The following shall be the criteria used in making investments for the city with no exceptions.

(1) *Safety.* Includes the federal insurance available up to the specified maximum with excess bank deposit protected by the furnishing of the required collateral (110% of the excess deposit). In no case will home mortgages be permitted as collateral even though allowed in law. Direct obligations of the United States (Treasury certificates, notes, bonds and bills) are guaranteed by the United States. Safety of government agency issues must be weighed in terms of experience, types of loans which agencies make, and what organizations Congress and the states permit to invest in agency issues.

(2) *Spacing of maturities.* This principle must be stated. When the money is needed, it must be available. In short, the interest to be earned, the length of the investment and the estimated cash flow needs shall be weighed so as to obtain the maximum investment return with the funds available as required.

(3) *Liquidity.* A proper investment must be sufficiently liquid so that the city is able to obtain cash if an emergency arises.

(4) *Yield.* The investment or deposit providing maximum earnings shall be made since the object, of investing idle funds is to put the taxpayer=s money to a use that will yield the greatest return consistent with safety and the city=s later need for money.

(D) *Cash flow analysis.*

(1) *Making the cash forecast.* A cash forecast is the city=s tool for determining expected expenditures and revenues over a projected period of time which may be a fiscal calendar year or several fiscal calendar years.

(2) *Determining the amount to be kept in the checking account.* This is the amount required to cover any obligations of the city that may be outstanding plus any money that may be expended based on the cash flow projections between investment periods and in relation to the city determined fiscal periods plus any banking or financial institution service charges that may be incurred for the maintenance of the city=s accounts.

(3) *Accountability.* Investments should be shown at cost, adjusted for any premium or discount. An accounting schedule of investments for each year will show for each investment the date purchased and sold, the price paid with reference to 100 as par, the total cost to the city, the amount realized on sale, with premium, if any, and the interest received by the city.

(E) *Investment depository/investment officer designations.*

(1) *Investment depository designation.* The City Council at an annual meeting will designate the official depository(s) as prescribed in accordance with state law and may add or delete depositories from time to time as required for the proper conduct of city business with these actions being officially recorded.

(2) *Investment officer designation.* By City Charter and this section, the City Treasurer is designated as the primary investment officer. In the absence of the City Treasurer (absence being defined as he or she is unavailable) the following alternates are designated to act as the investment officer: City Clerk-Treasurer; Deputy City Clerk-Treasurer or Mayor.

(F) *Penalty.* Violations of the provision of this section shall fall under state law in accordance with the magnitude of the violation.

(Ord. 114, passed 8-8-2006) Penalty, see ' 10.99

' **30.14 BUDGET CALENDAR.**

(A) *Authorization.* Pursuant to state statutes and the City Charter, the City Council requires the city budget calendar as the required time line to meet its needs and those of the outside agencies.

**Chisholm - Administration**

(B) *Budget Calendar*. The following represents the dates to be used as the official budget calendar:

(1) June 1 through 10: The City Administrator had the responsibility for preparing the budget, distributes budget calendars, worksheets and notifies departments to begin preparing the next year=s budgets;

(2) June 10 through 15: Department head/supervisors prepare their budgets and the city=s Administrator confers with them;

(3) July 5: Department heads/supervisors submit department budgets to the City Administrator;

(4) July 5 through 15: The City Administrator assembles department budgets into the preliminary city budget;

(5) July 15: The City Administrator submits the preliminary budget to the City Council. The city must give public notice that the Council will hold a budget hearing for discussion of all items in the budget;

(6) July 16 through August 15: The City Council considers the preliminary budget, confers with department head/supervisors, discusses proposed taxes and estimated revenues, and makes preliminary budget decisions;

(7) August 1: The city receives information from the state on its levy limits and the amount of local governmental monies in the form of aid receipts for the next year. Cities will also receive information on any credits they can expect to receive. Cities have a certain number of days from the time they receive notice of their certified amount to file objections with the appropriate state agency as to the accuracy of the amounts to be paid. Dates and types of aids and credits change from time to time and will be determined by state law;

(8) August 16 through September 15: The City Council must adopt the proposed budget and certify proposed tax levy. Results of the hearing are furnished to the County Auditor with proposed levy amounts to be used in preparation of ATruth in Taxation@ statements to be mailed at later date;

(9) November 10: County Auditor sends out to each parcel property owner the ATruth in Taxation@ statements disclosing the results of the budget process and the proposed property taxes resulting therein;

(10) November 29 through December 29: The City Council holds public hearings on the final budget proposals. Council adopts the budget and resolutions levying taxes to cover the final budget;

(11) After budget adoption: The city posts the adopted budget in the principal municipal building and the city publishes a summary budget statement in an authorized legal newspaper (M.S. ' 471.6965);

(12) December 28: Deadline for certifying final property tax levy to county auditor (five working days after December 20). The city shall furnish the County Auditor with a certified copy of the City Council resolution levying taxes. The city should submit the appropriate form(s) to the state if so required (M.S. ' 275.065); and

(13) January 1: Implementation of calendar year budget.

(C) *Budget Checklist for Council.*

(1) After the City Administrator has prepared the preliminary budget, the Council must assume full responsibility for reviewing and approving it in its final form. In this review, the Council should consider several questions:

(a) Does the budget meet the needs of the community? Are there some services which the city should reduce or eliminate to provide funds for new programs or for the expansion of existing programs?

(b) Does it provide proper balance between activities, especially between more essential and less essential services?

(c) Will the work programs assure adequate standards of service?

(d) Is the proposed budget a sound and honest one? Are revenue estimates realistic? Does it include all expenditures and conceivable contingencies? Does it contain a contingency appropriation for emergencies?

(e) Is the budget economical, providing the greatest value per dollar?

(f) Is the budget consistent with the ability and willingness of the citizens to support it?

(g) Does the budget discharge a city=s responsibility for the future? Is it consistent with the city plan and with other long-term policies for the development of the community and a five year capital improvement program?

(2) The Council should consider these questions after tentatively agreeing on the budget as a whole.

(Ord. 115, passed 10-25-2006)

**' 30.15 REIMBURSEMENTS AND ADVANCES FOR EXPENSES.**

(A) *Authorization.* Pursuant to state statutes and this section, the elected and appointed officials and employees of the city are entitled to reimbursements and advances for expenses related to the specific business of the city and will be reimbursed or advanced the appropriate dollar amount in accordance with this section and the resolutions passed specifying the amounts allowed to be paid therein.

(B) *Mileage.* When required to use their own vehicles for attending meetings, conferences, seminars, judicial proceedings or in the course of normal city work, they shall be reimbursed at a rate designated in a resolution of the City Council.

(C) *Meals.* When working or on city business and at the express (verbal/written by department head/Administrator/Council) authorization of the city, they shall receive up to a maximum daily reimbursement or specified meal allowance as designated in a resolution of the City Council.

(D) *Hotel and lodging.* When on city business and at the express (verbal/written by department head/Administrator/Council) authorization of the city, they shall be reimbursed for the actual cost of hotel/lodging based upon single occupancy room charges or as designated in a resolution of the City Council.

(E) *Air travel, train, car rental and other transportation.* When on city business and at the express (verbal/written by department head/Administrator/Council) authorization of the city, they shall be reimbursed for coach/economy fares for airlines and other forms of transportation will be reimbursed and computed in a manner in the city=s best interests and the most reasonable method of transportation for cost shall be used.

(F) *Telephone calls.* Telephone calls made specifically for city business when city telephones are not available will be reimbursed based on actual charges incurred. City telephone credit cards will be used when practical and will only be used when the city telephone lines are not available. Personal telephone calls will not be reimbursed.

(G) *Laundry and dry cleaning.* Laundry and dry cleaning costs will only be reimbursed at the express authorization of the city, and if a reimbursement is permitted, it will be as designated in a resolution of the City Council.

(H) *Parking and toll charges.* Parking and toll charges will be reimbursed for city business based on actual charges at the express authorization of the city.

(I) *Other special expenses.* Expenses not elsewhere authorized in this section that are incurred on or for city business at the express authorization of the city, shall be reimbursed based on the actual charges and/or as designated in a resolution of the City Council.

(J) *Advances.* Upon the expressed written approval of the department head, City Administrator and two Council members of the city for the conduct of its business, elected and appointed officials and employees of the city may request an advance based on a completed advance estimate of the anticipated total expenses to be incurred in the course of conducting city business. An advance cannot exceed the anticipated total expenses and may be advanced as required prior to the anticipated expense being incurred. Payment of advances according to normal city policy on payments.

(K) *Reimbursements.* All claims for expense reimbursement shall be submitted to the City Clerk=s office with the appropriate paid receipts for a particular item. In the case of an advance, any amounts not advanced will be reimbursed according to this section and any over payments for an advance will be

returned within ten calendar days upon returning to the city with a claim submitted verifying the proper use of city funds. All other claims for reimbursement will be submitted within 35 days of returning to the city and will be paid as required by normal city policy for claims payment.

(L) *Definitions and authorizations.*

(1) **EXPRESS AUTHORIZATION OF THE CITY** means receiving the department head/supervisor/Administrator and/or City Council approval by formal approval prior to incurring the expense for items in the current approved budget and in concurrence with the City Administrator. For expenses not authorized in the budget, the City Administrator must approve and may require City Council approval depending on the circumstances. Advances are dollar amounts issued prior to incurring the expense and are to be used to defray the costs related to the purpose of the advance and at no time are to be used for any other purpose.

(2) **REIMBURSEMENT** is the process of receiving payment for expenses incurred in the course of doing city business and are permitted under this section and state statutes as items that can be repaid for justified city expenses.

(a) No provision of this section or resolutions designated by the City Council related to the topic of this section will supercede provisions of State Bureau of Mediation Services approved bargaining unit. Agreements that contain provisions related to the topic of this section that are different.

(b) Approved bargaining unit agreements that specify reimbursement policies will be followed and this section will apply in the absence of reimbursement provisions.

(M) *Penalty.* Violations of the provisions of this section shall constitute a misdemeanor.

(N) *Reimbursement and advance rates for business expense.*

Mileage	Current internal revenue service rate
Meals	
Breakfast	\$5.50
Lunch	\$7
Dinner	\$12.50
Note: Where the meal rate is part of a conference, seminar, workshop or similar function, the rate included in the fees for the event will be paid in lieu of the above stated schedule. A total daily maximum meal allowance of \$25 or the above schedule is the authorized amounts that can be paid for reimbursement. Any amounts in excess are not subject to reimbursement. Reimbursement within the limits stated herein will be based on actual costs.	
Hotels and lodging	A limit of \$95 per night is hereby established. Any costs beyond the established dollar amount is the responsibility of the affected party and not that of the city. Exceptions to this rule would be those costs associated with and/or included with a conference registration.

Laundry and dry cleaning	As defined in division (G) above
Other special expenses	As defined in division (I) above

(Ord. 116, passed 11-28-2006; Res. 06-023, passed 11-28-2006)

**30.16 CRIMINAL HISTORY BACKGROUND; EMPLOYEES, LICENSES.**

(A) *Applicants for city employment; purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to state=s computerized criminal history information for specified non-criminal purposes of employment background checks for the positions described in division (B) below.

(B) *Criminal history employment background investigations.*

(1) The City Police 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.

(2) Employment positions: all regular part-time, full-time and seasonal employees of the city and other positions that work with children or vulnerable adults. Please note that the city will not obtain all of the criminal data authorized under the Child Protection Background Check Act (M.S. ' ' 299C.61 and 62) on positions working with children by using the city=s Police Department to conduct background checks. The city must access those records by using the service provided by the Bureau of Criminal Apprehension and paying the associated fee. For more information contact the BCA or the League of Minnesota Cities).

(3) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the State 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 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 hiring authority, including the City Council, the City Attorney and the City Administrator/Clerk or other city staff involved in the hiring process.

(4) Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 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 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, as it may be amended from time to time;

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

(d) That all competent evidence of rehabilitation will be considered upon re-application.

(C) *License background checks.*

(1) *Applicants for city licenses; purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to state=s computerized criminal history information for specified non-criminal purposes of licensing background checks.

(2) *Criminal history license background investigations.*

(a) The City Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:

(b) City licenses:

1. Liquor, peddler licenses; and
2. Tobacco, beer, alcohol.

(c) In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the State 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 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 Administrator, Clerk and Attorney or other city staff involved in the license approval process.

(d) Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 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.

(e) If the city rejects the applicant=s request on this basis, the city shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial;
  2. The applicant complaint and grievance procedure set forth in M.S. ' 364.06, as it may be amended from time to time;
  3. The earliest date the applicant may reapply for the license; and
  4. That all competent evidence of rehabilitation will be considered upon re-application.
- (Ord. 152, passed 10-26-2010)

## CHAPTER 31: CITY ORGANIZATIONS

### Section

- 31.01 Departments generally
- 31.02 Public Safety Department
- 31.03 Building Department
- 31.04 Volunteer Fire Department
- 31.05 Planning Commission
- 31.06 Joint Airport Commission
- 31.07 Chisholm-Hibbing Municipal Joint Airport Zoning Board
- 31.08 Recreation Board
- 31.09 Board of Adjustments and Appeals
- 31.10 Housing Advisory and Appeals Board
- 31.11 Charitable Gambling Control Board

### ' 31.01 DEPARTMENTS GENERALLY.

(A) *Control.* All departments of the city are under the overall general control of the Council. Heads of all departments are responsible to the Administrator/Clerk and subject to its supervision and direction, except as otherwise provided herein.

(B) *Appointment.* All department heads and employees shall be appointed by the Council. Except as otherwise herein provided, all appointments shall be for an indeterminate term and subject to any applicable civil service regulations.

(C) *Compensation.* All wages and salaries shall be fixed and determined by the Council.  
(1994 Code, ' 2.20)

### ' 31.02 PUBLIC SAFETY DEPARTMENT.

(A) *Establishment.* A Public Safety Department is hereby created for the purpose of law enforcement.

(B) *Organization.* The Public Safety Department shall be under the direct supervision and control of the Public Safety Director who, as to all matters relating thereto, shall be the Chief of Police. The Public Safety Director shall be assisted by captains and other officers and employees as the Council may deem necessary.

(1994 Code, ' 2.21)

### ' 31.03 BUILDING DEPARTMENT.

(A) *Established.* A Building Department is hereby established.

(B) *Building Inspector and other personnel.* The Building Department shall be under the supervision of the Building Inspector (Administrative Authority) designated or appointed by the Council to carry out the duties and responsibilities delegated to him or her in the construction chapter of the city code and to enforce the provisions of the State Building Code (SBC). For that purpose he or she shall have the powers of a police officer. The Council may appoint other officers, inspectors and assistants and other employees as may be necessary, from time to time. Certain of employees may be designated Deputy Building Inspectors for the purpose of carrying out the functions of the Building Department, and with the same powers and authority as the Building Inspector.

(C) *Reports and records.* The Building Inspector shall submit a report to the Council not less than once a year covering the work of the Department during the preceding period. He or she shall incorporate in the report a summary of his or her recommendations as to desirable amendments to the SBC and the construction chapter of this code. The Building Inspector shall keep a permanent, accurate account of all fees and other monies collected or received by the Department, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

(1994 Code, ' 2.22)

### ' 31.04 VOLUNTEER FIRE DEPARTMENT.

The rules and regulations of the Volunteer Fire Department shall be submitted to the Council, and if approved by the Council, shall be enforced, and any amendments to rules and regulations shall be approved by the Council and made a part of its minutes.

(1994 Code, ' 2.23)

### ' 31.05 PLANNING COMMISSION.

(A) *Establishment and composition.* A Planning Commission shall be comprised of five members and shall meet all the other statutes of the state.

(B) *Duties.* The Planning Commission shall have all the powers and duties that are mandatory or discretionary under the city code and statutes of the state.

(1994 Code, ' 2.31) (Ord. 117, passed 11-29-2006)

' **31.06 JOINT AIRPORT COMMISSION.**

(A) *Establishment and composition.* The Chisholm-Hibbing Airport Commission, heretofore created by joint ordinances of the City of Hibbing and the City of Chisholm, pursuant to M.S. ' 360.042, as it may be amended from time to time, and acts amendatory thereof, and laws amendatory thereof and supplementary thereto, be and the same is hereby continued and reestablished and reconstituted for a period of 20 years from the joint passage of the ordinance by the City of Hibbing and the City of Chisholm, which Airport Commission shall continue to be known as the Chisholm-Hibbing Airport Commission and shall be composed of six members, three of whom shall be appointed by a majority vote of the City Council of the City of Chisholm, and three of whom shall be appointed by a majority vote of the City Council of the City of Hibbing. The members of the Commission may serve with compensation as determined by the Commission and approved by the cities.

(B) *Term of office.* The term of the members of the Commission shall be for a period of three years and until their successors are appointed and qualified. The present members of the Chisholm-Hibbing Airport Commission=s term shall continue until those terms of office expire. Thereafter, each municipality shall appoint one member for a term of three years and until their successors are appointed and qualified. No elected or appointed officials of either the City of Chisholm or the City of Hibbing and no appointed employee of either of the municipalities shall be a member of the Commission.

(C) *Officers.* The Joint Commission shall elect one of its members to be Chairperson of the Commission, one member thereof to be Vice-Chairperson and shall appoint a Clerk or Deputy Clerk as Secretary-Treasurer. Each appointee shall hold office for the term of one year and until his or her successor is appointed and qualified.

(D) *Duties and powers of the Commission.*

(1) The Commission shall have full authority and responsibility for the maintenance and regulation of the Chisholm-Hibbing Municipal Airport. The Commission shall engage an airport manager who shall be directly responsible to the Chairperson of the Commission for the management, regulation and maintenance of the Chisholm-Hibbing Municipal Airport. The name now adopted for the airport is the Chisholm-Hibbing Municipal Airport.

(2) The Commission shall have all of the power and authority vested in the municipalities under the laws of the state and of the United States relating to the construction, management and operation of airports. Without limiting its general powers vested in it by law, it shall have authority to acquire necessary property for and to hire personnel as it deems necessary, establish, construct, enlarge, improve, maintain, equip, operate and regulate and continue to operate the airport now known as the Chisholm-Hibbing Municipal Airport, and other air navigation facilities and airport protection privileges to be acquired, controlled and operated by the Commission.

(3) The Commission may enter into contracts with the county and may exercise on behalf of the City of Chisholm and the City of Hibbing all of the powers of each municipality granted by M.S.

' ' 360.011 to 360.076, as it may be amended from time to time, and amendments thereto.

(4) Rules and regulations provided by M.S. ' 360.038(3), as it may be amended from time to time, may be adopted by the Commission but shall be enacted only after approval by the respective municipal Councils, pursuant to the provisions of M.S. ' 360.042(8), as it may be amended from time to time.

(E) *Rules and regulations.* The following rules and regulations shall govern the conduct and operation of the Chisholm-Hibbing Municipal Airport and shall be observed by all persons using, operating at or visiting the Chisholm-Hibbing Municipal Airport.

(1) The Federal Aviation Authority Regulations, promoted by the Federal Aviation Administration presently or hereafter in effect are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

(2) No aircraft or airman shall operate upon or over the Chisholm-Hibbing Municipal Airport unless that aircraft or airman is duly licensed by the Federal Aviation Administration, provided that this limitation shall not apply to students in training under a licensed instructor nor to public aircraft of the United States government or of a state, territory or political subdivision thereof, nor to any aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of the licensed aircraft.

(3) Any person causing damage of any kind to the Chisholm-Hibbing Municipal Airport, whether through violation of any of these rules or through any act or omission of commission, shall be liable therefor to the Chisholm-Hibbing Municipal Airport Commission.

(4) No person under the influence of intoxicants or narcotics shall operate or fly in any aircraft upon or over the Chisholm-Hibbing Municipal Airport provided the prohibition shall not apply to a passenger when accompanied by adequate medical attendants.

(5) To enforce the payment of any charge made for repairs, improvements, storage, damage or care of any personal property made or furnished by the Airport Commission or its agents in connection with the operation of the Chisholm-Hibbing Municipal Airport, the Airport Commission shall have a lien upon the personal property which shall be enforceable as provided by law. To enforce the payment of any like charge the Airport Commission or airport manager may retain possession of the personal property until all those charges shall have been paid in full.

(6) Every aircraft owner, his or her pilot, or agent, shall be responsible for the prompt removal from the landing area, under the supervision of the airport manager or his or her assistant, of any wrecked aircraft.

(a) No aircraft shall be operated over the City of Chisholm or the City of Hibbing at an altitude less than that altitude which will permit a landing outside of the congested area in the event of a complete power failure, but in no event at an altitude of less than 1,000 feet from the ground or water. No person shall operate aircraft engines through acceleration or deceleration while over the City of Chisholm or the City of Hibbing in a manner as will distract, excite or disturb persons on the ground regardless of altitude. No person shall do any aerobatics over the City of Chisholm or the City of Hibbing at any time.

(b) All vehicular traffic shall be confined to roads, streets and avenues on the grounds of the airport, and no person shall enter the landing area with an automobile, truck, motor scooter, motorcycle or other vehicle; provided that this rule shall not apply to airport maintenance vehicles nor to gasoline trucks engaged in servicing aircraft. In an emergency, ambulance and fire trucks may enter the landing area under the direction of the Director of Aviation or airport manager or the Chief Controller on duty in the Chisholm-Hibbing Airport Traffic Control Tower.

(7) No real property and no airport, other air navigation facility or air protection privileges, shall be disposed of by the Commission by sale or lease or otherwise except by authority of both Councils, but the Commission may make changes and alterations from time to time as are required in the proper and efficient operation of the airport.

(8) The Commission may lease space, area or improvements and grant concessions for aeronautic purposes or purposes incidental thereto subject to the provisions of M.S. ' 360.038(4), as it may be amended from time to time.

(F) *Contributions to capital costs.* Subject to the qualifications hereinafter set forth, the City of Chisholm shall contribute 40% and the City of Hibbing shall contribute 60% of the cost of additional lands that may be added to the present Chisholm-Hibbing Airport and the capital costs of construction; improvements and development of the airport which is not covered by the county, state and federal or other contributions thereto. Title to the airport prior to adoption of the joint airport ordinance in 1957 shall remain in the City of Hibbing and title to any additions thereafter shall be taken in the name of the Chisholm-Hibbing Airport.

(G) *Operation costs.* The City of Chisholm shall contribute 40% and the City of Hibbing shall contribute 60% of the cost of maintaining and operating the airport and all additions thereto and the cities of Chisholm and Hibbing may levy an amount to be determined annually to be used in operating and maintaining the airport on the above 40%-60% basis, exclusive of contributions that may be made therefor by the county, the federal government or any other source. Neither municipality shall charge the Commission any rentals or other compensation for the use of the airport, easements or airport facilities, now or hereafter acquired or installed. The amount of contribution by the City of Chisholm and the City of Hibbing on the 40%-60% basis, may be altered, changed, increased and amended by joint resolutions passed by the City Councils of the City of Chisholm and the City of Hibbing during the term of this section between the two respective municipalities; provided the amount of contribution shall be and always remains 40% by the City of Chisholm and 60% by the City of Hibbing.

(H) *Budget.*

**Chisholm - Administration**

(1) The Commission shall each year prior to July 16, prepare a budget for financing the airport for the ensuing calendar year. A copy of the budget shall, not later than July 15, be furnished to the City Council of the City of Chisholm and the City Council of the City of Hibbing, and shall contain the following items:

(a) Estimated revenues divided as follows:

1. Federal and state grants;
2. Contributions from the City of Chisholm;
3. Contributions from the City of Hibbing;
4. Contributions from the county; and
5. Miscellaneous revenues.

(b) Estimated expenditures:

1. Personal services;
2. Services other than personal;
3. Supplies and maintenance;
4. Equipment;
5. Real estate and improvements; and
6. Miscellaneous expenditures.

(2) Final decision of the respective City Councils as to requested contributions shall be reported to the Commission which shall adjust its budget, if necessary, so that its budget may at all times be balanced. Money not expended in the budget may be carried over to the following year.

(3) The Commission shall not have the power to levy taxes or borrow money and it shall not approve any claim or incur any obligation for expenditures unless there is unencumbered cash in the appropriate airport fund to the credit of the Commission with which to pay the same.

(I) *Finances.* All receipts of money shall be deposited in the bank or banks selected by the Airport Commission and credited to the account of the Joint Airport Commission. No disbursements shall be made except by check in a manner as the Commission may determine and approve. An audit of the funds of the Commission shall be made annually. The audits may be made independently or in conjunction with any audit which may be made of the funds of either of the municipalities. Any employee of the Commission who handles cash in the process of collection shall, if the Commission so requires, furnish a surety bond in an amount as may be determined by the Commission.

(J) *Reports.* The Commission as soon as possible after the end of each calendar year shall propose and present to each City Council and the county a comprehensive report of its activities and finances. The Commission shall also prepare and present federal and state officials with reports as may be required by law, regulation or contract.

(K) *Disposition of property upon termination.*

(1) This section when adopted by the City Council of the City of Chisholm and when a concurrent ordinance is adopted by the City Council of the City of Hibbing shall constitute a contract between the municipalities and shall be in full force and effect for 20 years thereafter; provided, that the provisions thereof, except as to the duration of the contract, may be amended by mutual agreement of the municipalities. Thereafter, it shall continue in force from year to year. The municipalities shall continue the joint operation of the airport and the Joint Commission pursuant to the joint ordinances of the cities until a time as it is agreed between both cities to jointly dissolve the Joint Airport Commission. Should the airport ever dissolve as a municipal airport for any reason, all property, including real and personal, shall be disposed of in a manner as shall be agreed upon by the two cities.

(2) The City of Hibbing shall at all times retain title to the lands, easements and structures formerly included in the old Hibbing Municipal Airport which existed prior to the formation of the Chisholm-Hibbing Joint Airport Commission in 1957. If no agreement as to disposition of additional acquired lands, property and facilities is reached within three months after termination of the plan for a joint operation of the airport, the respective municipal Councils shall each appoint some person, who may be a municipal official, as its representative and the State Commissioner of Aeronautics shall appoint a third person, who shall together compose an advisory board for the disposition of the airport property. This Board shall as soon as possible prepare and recommend to the Council of each municipality a complete plan for the disposition of all additional lands, structures and facilities acquired subsequent to the origination of a Chisholm-Hibbing Joint Airport Commission in 1957.

(1994 Code, ' 2-32)

**' 31.07 CHISHOLM-HIBBING MUNICIPAL JOINT AIRPORT ZONING BOARD.**

(A) *Establishment and composition.* The County Board having taken similar action, a Chisholm-Hibbing Municipal Joint Airport Zoning Board is hereby established. The Board shall be composed of five members; one appointed by each of the Cities of Chisholm and Hibbing, two by the County Board, and a Chairperson elected by majority vote of the members so appointed, all of whom shall serve for terms of three years.

(B) *Inconsistent provisions.* Provisions in this section shall take precedence over provisions in this chapter relating generally to boards and commissions to the extent of any inconsistency but only as to the Board hereby established.

(C) *Duties.* It is the duty of the Board to adopt, administer and enforce airport zoning regulations applicable to airport hazards as vested and defined in applicable laws of the state in the case made and provided.

(1994 Code, ' 2.33)

### ' 31.08 RECREATION BOARD.

(A) *Establishment and composition.* A Recreation Board is hereby established and shall be comprised of five members from the city community area.

(B) *Board membership and officers.* The Board shall elect a President, Vice President, Secretary who may be other than an appointed Board member in which case the office will be an ex-officio (non-voting) member of the Board, and a Treasurer who shall be the City Treasurer/Deputy City Treasurer who will serve as an ex-officio (non-voting) member of the Board. Commissioners shall serve with or without pay as determined by the City Council. Board members shall serve a three-year term of office and may be eligible for reappointment to a second three-year term; provided however, that no Commissioner shall be appointed for more than two consecutive terms on the same Commission. Commissioner terms shall be staggered so that the terms of a portion of the members of each Commission shall expire each year. There shall be one elected Council member on the Commissions as a voting member. Original and successive appointees shall serve in their offices until their successors are appointed and qualified. Any vacancy shall be filled for the unexpired term of the Recreation Board member by the City Council.

(C) *Duties.* The Recreation Board shall provide Advisory oversight for the operations and activities of the city=s Recreation Department; its buildings, playgrounds and other recreational facilities. It is the duty of the Recreation Board to advise on operations and capital improvements of the Recreation Department to the City Council and/or their designated representative(s). The Recreation Board may advise on the employment activities of the department as may be required from time to time with all final decisions resting with the City Council and/or their designated representatives.

(D) *Finances.* The City Council shall provide financing for the programs and capital improvements of the Recreation Department and the funding will be as approved in a city=s annual budget. The Recreation Board shall provide guidance on the funding requirements for the Department.

(1994 Code, ' 2.34) (Ord. 121, passed 1-9-2007)

### ' 31.09 BOARD OF ADJUSTMENTS AND APPEALS.

(A) *Establishment and composition.* A Board of Adjustments and Appeals, composed of three members, none of whom shall hold any other public office or position in the city government, except as otherwise provided herein, is hereby established for the purpose of handling all appeals and adjustments under provisions of the city code relating to zoning and land use in the city. All appointments thereto shall be made by the Council for staggered terms of three years. In addition to the foregoing membership, the City Attorney shall be an ex-officio member and no decisions or deliberations shall take place in his

or her absence. The Chairperson and Secretary shall be chosen from and by the Board membership at its first regular meeting in January of each year to serve for the current calendar year.

(B) *Duties, decisions and review.* It is the duty of the Board of Adjustments and Appeals to hear and decide all petitions for adjustment and appeals from decisions of the Planning Commission or an administrative officer relating to the enforcement of any zoning or subdivision provision of the city code or a statute of the state. Its decisions shall be final, subject only to judicial review.

(C) *Time of filing and fee.* All petitions and appeals shall be filed with the Board within 15 days after written notice of the adverse decision is mailed. The petition or written notice of appeal shall be served upon the City Clerk, with payment of a fee of \$10.

(D) *Form and contents.* All petitions and appeals shall be filed by the aggrieved person and shall briefly state the facts and circumstances giving rise to the petition or appeal. For the purpose of this section, an **AGGRIEVED PERSON** shall be any person whose property rights are affected by the decision appealed from.

(E) *Hearing and procedure.*

(1) Upon receipt of any petition or appeal, the City Clerk shall forthwith forward a copy thereof to the Secretary of the Board, the Secretary of the Planning Commission, any administrative officer involved in the enforcement thereof and the City Attorney, showing the date of receipt thereof,

(2) Within 30 days after receipt of the petition or notice of appeal by the City Clerk, the Board shall call a hearing thereon and give notice thereof in writing to all petitioners, appellants and other persons as the Board may determine to have an interest or property right in any decision made pursuant thereto, which shall include the Planning Commission by notice to its Secretary and administrative officers as it may determine. The notice shall be mailed at least 20 days prior to the date set for hearing. Notice shall also be given to the public by publication thereof once in a legal newspaper at least 14 days prior to the date set for hearing.

(3) At any hearing, all persons desiring to be heard shall have the opportunity, including the Planning Commission, it being deemed to have completed its investigation by the date set for hearing. (1994 Code, ' 2.35)

' **31.10 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.

(1994 Code, ' 2.37)

**' 31.11 CHARITABLE GAMBLING CONTROL BOARD.**

(A) *Composition.* The Charitable Gambling Board will be composed of three members. Membership shall include Chairman of the Police Commission, the City Administrator/Clerk or his or her designee and a member selected from a list of recommendations made by the previous year licensees. If no nomination is made by licensees, one resident of the city shall be appointed by the City Council.

(B) *Duties.* The Charitable Gambling Board shall have the following duties:

(1) Prepare and recommend changes in procedure and practice governing charitable gambling in the city;

(2) To appoint one of its members as its Chairperson and to hold meetings at the call of its Chairperson;

(3) To give proper notification to all of the charitable gambling license holders in the city of any and all of the meetings of the Charitable Gambling Board to hear the complaints of the license holders and to hear any recommendations of the license holders. The Charitable Gambling Board shall thereafter make recommendations to the Council;

(4) To prepare and recommend to the Council changes in procedure and practice governing charitable gambling in the city, and to make recommendations to the Council with regard to possible changes in city code provisions governing charitable gambling in the city;

(5) To examine the records and/or reports of each licensed organization filed with the city to determine the licensed organization=s net profits are expended for the purposes set forth in ' 111.09(C)(6);

(6) Govern how many sites in which charitable gambling shall conduct charitable gambling;  
and

(7) Govern how many charitable gambling organizations operating within the city.  
(Ord. 149, passed 9-22-2009; Ord. 160, passed 10-9-2012)

## CHAPTER 32: PURCHASING POLICY

### Section

- 32.01 Purpose
- 32.02 Purchasing agents
- 32.03 Purchasing procedures
- 32.04 Guidelines
- 32.05 City employee purchasing
- 32.06 Award recommendations
- 32.07 Purchasing limits
- 32.08 Purchasing limits over \$5,000 and less than \$50,000
- 32.09 Purchasing limits over \$50,000
- 32.10 Emergency purchasing

#### ‘ 32.01 PURPOSE.

The purpose of this chapter is to establish the regulations for purchasing for the city.  
(Ord. 127, passed 6-26-2007)

#### ‘ 32.02 PURCHASING AGENTS.

The City Clerk (or City Administrator if the position exists) shall serve as the Chief Purchasing Agent of the city and is responsible for oversight of the city-wide purchasing function. Department head/supervisors shall serve as purchasing agents of the city with responsibility for their specific functional areas.

(Ord. 127, passed 6-26-2007)

#### ‘ 32.03 PURCHASING PROCEDURES.

All purchases and contracts shall where practical, be based on specifications with a copy being placed on file with the City Clerk and open to inspection by the public. Notice inviting quotes/bids may/shall be published in the legal newspaper, trade publications and may/shall extend invitations to bid to perspective bidders at the Chief Purchasing Agent=s or Council=s discretion. Quotes/bids shall be received by the City Clerk to be opened at the time and place designated in the notice or by default in the city offices. The City Clerk or designee shall at a minimum be present at all bid openings.

(Ord. 127, passed 6-26-2007)

‘ **32.04 GUIDELINES.**

At least two to three competitive prices shall be solicited where practical. When feasible, quotations or bids shall be based on plans and specifications. Competition shall be upon common merchandise, conditions or services so as to foster the competition. Purchase orders may be used for purchases where practical and would contain an authorized signature by the departmental purchasing agent, Chief Purchasing Agent and/or Mayor depending on city requirements.

(Ord. 127, passed 6-26-2007)

‘ **32.05 CITY EMPLOYEE PURCHASING.**

No city employee is empowered to order, sign or give receipt for materials (defined as: receipt by the authorized person ordering, not someone receiving the goods on behalf of the person ordering) except where there is an authorized purchase order, approval verbal/written by the departmental purchasing agent and/or the Chief Purchasing Agent. Failure to follow this chapter may subject the employee (City Council action required) to becoming personally liable for any and all costs incurred therein.

(Ord. 127, passed 6-26-2007)

‘ **32.06 AWARD RECOMMENDATIONS.**

The Chief Purchasing Agent shall coordinate the purchasing process and recommend as appropriate the purchase or contract most advantageous for the city. Every effort will be made to seek award to the lowest responsible purchase or quote. Award shall be to the lowest responsible bidder. This section does not directly apply to professional services contracts. It is the City Council who reserves the right to accept or reject any or all of the quotes or bids and may waive informalities therein.

(Ord. 127, passed 6-26-2007)

‘ **32.07 PURCHASING LIMITS.**

(A) Department heads/supervisors shall have the authority to authorize and/or approve purchases of goods/services up to \$1,000 based on allocations contained in department specific functional areas of responsibility except for local improvement projects and contracts.

(B) Purchases in this section shall be ratified/confirmed by the City Council at their next regular meeting and entered in the city=s official records (note: ratification on goods or services procured under this section will be through Aauditing@ of the claims/bill=s list at the regular Council meeting).

(C) The department head/supervisors that have purchasing needs greater than \$ 1,000 shall require the approval of the Chief Purchasing Agent who would be vested with the authority for approval from \$1,000 up to \$3,000. Purchases may be considered for approval from \$3,000 to \$5,000 and would require the approval of the Mayor in addition to the Chief Purchasing Agent and department head/supervisor.

(Ord. 127, passed 6-26-2007)

**' 32.08 PURCHASING LIMITS OVER \$5,000 AND LESS THAN \$50,000.**

Purchases or contracts in this category require methods which include negotiation, quotes or formal bids in accordance with M.S. ' 471.345, as it may be amended from time to time. The Chief Purchasing Agent shall be responsible for coordinating the preparation of specifications and approved advertising therein. All purchases or contracts shall be approved by the City Council upon recommendation by the Chief Purchasing Agent and entered in the city=s official records through the City Clerk.

(Ord. 127, passed 6-26-2007)

**' 32.09 PURCHASING LIMITS OVER \$50,000.**

Purchases or contracts in this category require methods which include formal Asealed@ bids in accordance with M.S. ' 471.345, as it may be amended from time to time. The Chief Purchasing Agent shall be responsible for coordinating the preparation of specifications and approved advertising therein. All purchases or contracts shall be approved by the City Council based on the lowest responsible bidder and entered in the city=s official records through the City Clerk.

(Ord. 127, passed 6-26-2007)

**' 32.10 EMERGENCY PURCHASING.**

Purchases or contracts in this category require methods which exceed the departmental purchasing agent, Chief Purchasing Agent and the Mayor=s purchasing policy authority limits and, is beyond a regular or special Council meeting. In the event an Aemergency purchase@ is required due to circumstances beyond the city=s control (example: national defense, severe weather and water, wastewater system failures), the City Council requires that the Mayor, and/or one to two Council member=s approve such a purchase from \$5,000 up to maximum dollar limit of \$10,000. Further, the Council will ratify and confirm such an action at their next regular, special or emergency meeting. Purchases exceeding \$10,000 shall require the approval of the City Council at an emergency meeting as defined in state law.

(Ord. 127, passed 6-26-2007)



## CHAPTER 33: ADMINISTRATIVE OFFENSES

### Section

- 33.01 Purpose
- 33.02 Administrative offense defined
- 33.03 Notice
- 33.04 Payment
- 33.05 Referral to County District Court
- 33.06 Failure to pay
- 33.07 Disposition of penalties
- 33.08 Offenses and penalties
- 33.09 Subsequent offenses

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

*Supplemental administrative penalties, see ' 10.98*

### **' 33.01 PURPOSE.**

(A) Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions.

(B) The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.

(C) At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the city may bring criminal charges in accordance with the law. Likewise, the city, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance.

(D) In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

(Ord. 147, passed 2-10-2009)

**‘ 33.02 ADMINISTRATIVE OFFENSE DEFINED.**

An administrative offense is a violation of a provision of this code, as defined by resolution set by Council.

(Ord. 147, passed 2-10-2009)

**‘ 33.03 NOTICE.**

Any officer of the City Police Department or any other person employed by the city, and having authority to enforce this code, shall, upon determining that there has been a violation, notify the violator, or in the case of vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the schedule penalty.

(Ord. 147, passed 2-10-2009)

**‘ 33.04 PAYMENT.**

Once the notice is given, the alleged violator may, within 14 days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request that the matter be referred to the County District Court in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and the payment shall be deemed to be an admission of the violation.

(Ord. 147, passed 2-10-2009)

**‘ 33.05 REFERRAL TO COUNTY DISTRICT COURT.**

Any person contesting an administrative offense pursuant to this chapter may, within 14 days of the time of issuance of the notice, request that the matter be referred to the County District Court to be processed through the usual rules of the Criminal Court.

(Ord. 147, passed 2-10-2009)

**‘ 33.06 FAILURE TO PAY.**

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes.

(Ord. 147, passed 2-10-2009)

**33.07 DISPOSITION OF PENALTIES.**

All penalties collected pursuant to this chapter shall be paid to the City Treasurer and may be deposited in the city's General Fund.

(Ord. 147, passed 2-10-2009)

**33.08 OFFENSES AND PENALTIES.**

Offenses, which may be charged as administrative offenses, and the penalties for those offenses, may be established by resolution of the City Council from time to time. Copies of resolutions shall be maintained in the office of the City Treasurer.

(Ord. 147, passed 2-10-2009)

**33.09 SUBSEQUENT OFFENSES.**

In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except as otherwise stated in the fine schedule or by resolution.

(Ord. 147, passed 2-10-2009)



## CHAPTER 34: EMERGENCY MANAGEMENT

### Section

- 34.01 Policy and purpose
- 34.02 Definitions
- 34.03 Establishment of emergency management organization
- 34.04 Powers and duties of Director
- 34.05 Local emergencies
- 34.06 Emergency regulations
- 34.07 Emergency management a government function
- 34.08 Participation in labor disputes or politics
  
- 34.99 Penalty

### § 34.01 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 ensure 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; and

(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.

**34.02 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, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as 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.

**34.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.**

(A) 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.

(B) The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time.

(C) The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses.

(D) 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.

(E) 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 C.F.R. part 201, as it may be amended from time to time.

### **34.04 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 being M.S. ' ' 12.01 et seq., 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.

#### ' 34.05 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 interjurisdictional 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 interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.  
Penalty, see ' 34.99

#### ' 34.06 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.

(1) A copy shall be kept posted and available for public inspection during business hours.

(2) 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.

(3) 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 ' 34.99

**' 34.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.**

(A) All functions and activities relating to emergency management are hereby declared to be governmental functions.

(B) The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker=s compensation law being M.S. ' ' 176.001 et seq., or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

**' 34.08 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.

**34.99 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.