

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: CITY ORGANIZATIONS

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*CITY COUNCIL***§ 30.01 PURPOSE**

It is recognized that in order to enhance the concept of effective and democratic government, it is essential that a legislative body reaffirm formal rules of procedure and decorum so that a true deliberative process will be observed and not disturbed.

(Res. 96-27, passed 11-11-1996)

**§ 30.02 GENERAL**

(A) *Law.* The city ordinances and state statutes governing the City Council shall be followed and supplemented by the Rules of Procedure and Decorum of the City Council.

(B) *General rules.* In all matters of parliamentary procedures, the Council shall be governed by the latest printed edition of the *Robert's Rules of Order*, Newly Revised (11th Ed. 2011), as published from time to time, except as modified by these rules.

(Res. 96-27, passed 11-11-1996)

**§ 30.03 PRESIDING OFFICER**

(A) *Who presides.* The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. The presiding officer shall have the power to preserve strict order and decorum at meetings, enforce the rules of procedure and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

(B) *Appeal of the ruling of the presiding officer.* Any member of the Council may appeal 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 vote.

(C) *Rights of the presiding officer.* The presiding officer may speak on any question and make motions and second motions.

(Res. 96-27, passed 11-11-1996)

**§ 30.04 AGENDA**

(A) *Matters for consideration.* Matters for Council action shall be submitted by members of the Council and residents to the City Administrator.

(B) *Preparation.* An agenda of business for each regular and special meeting shall be prepared in the office of the City Administrator and copies thereof delivered to each Council member as far in advance of the meeting as time for preparation will permit.

(C) *Order of business at regular or special meetings.* At the hour appointed for the regular or special meeting of the City Council, the meeting shall be called to order by the Mayor and in the Mayor's absence, by the Mayor Pro Tem. If a quorum is present, the City Council shall then proceed with its business in the following order:

- (1) Call meeting to order;
- (2) Pledge of Allegiance;
- (3) Public hearings (as scheduled);
- (4) Audience request-opportunity for the public to address the City Council on matters not on the agenda;
- (5) Recognition or proclamations;
- (6) Approval of the regular or special meeting agenda;
- (7) Consent agenda:
  - (a) Approval of the minutes of the last City Council meeting; and
  - (b) Other routine, noncontroversial items requiring little or no deliberation.
- (8) Regular business items;
- (9) Mayor's report;
- (10) Public works report;
- (11) Council reports;
- (12) Financial reports;
- (13) Council inquiries; and
- (14) Adjournment.

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(D) *Varying order of business.* The order of business may be varied by the presiding officer.

(E) *Consent agenda.* Matters for the Council of a routine or noncontroversial nature which need minimal Council deliberation shall be placed on the consent agenda. A motion to approve the consent agenda shall not be debated. At the request of any individual Council member, an item shall be removed from the consent agenda and placed upon the regular agenda for debate immediately following the consent agenda.

(F) *Items not on the agenda.* The Council may consider items not appearing on the agenda as normal business if an objection is not raised by a Council member. If an objection is raised by a Council member to consider an item not appearing on the agenda, a vote shall be taken by the Council to determine the appropriateness of further consideration of the matter at that time.

(G) *Public participation.* Members of the public may address the City Council during:

(1) Public hearings; and

(2) Audience requests-opportunity for the public to address the City Council on matters not on the agenda. This portion of the meeting shall be limited to 15 minutes, and individuals shall be requested to limit their comments to five minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted then discussion on that issue shall be continued as a part of the regular agenda.

(H) *Written communications on all matters.* All interested parties or their authorized representatives may address the Council by written communication regarding all matters under the Council's consideration. The City Administrator shall place these communications on the Council agenda under "Audience Requests or Regular Business Items".

(Res. 96-27, passed 11-11-1996)

**§ 30.05 VOTING**

(A) *Procedure.* The votes of the members on any ordinance, amendment or resolution pending before the Council shall be by voice vote or roll call. The votes of the members on any motion shall be by voice vote unless the Mayor or any member of the Council requests that a roll call vote be taken. The Mayor shall call for a roll call vote whenever a voice vote of the Council is not clear as to the disposition of the action before the Council.

(B) *Abstention.* If a Council member does not vote, the abstention shall be recorded as "Abstain-name".

(C) *Voting order for roll call.* The Mayor shall call for the vote. The presiding officer shall always vote last.

(Res. 96-27, passed 11-11-1996)

**§ 30.06 RULES OF DECORUM**

(A) *Council.* While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the presiding officer.

(B) *Recognition.* No person or member of the Council shall address the Council without being recognized by the presiding officer.

(C) *Discussion.* No member of the Council shall speak more than twice on any question and no more than five minutes each time without consent of the Council.

(D) *Staff.* Members of the city staff shall observe the same rules of order and decorum as are applicable to the City Council.

(E) *Pertinent to matter under debate.* Members of the Council, staff and public shall confine remarks to the matter under debate.

(F) *Addressing the Council.* Each member of the public addressing the Council shall step up to the microphone provided for the use of the public after being recognized by the presiding officer and give his or her name and address in an audible tone of voice for the records, state the subject to be discussed and state who the speaker is representing if representing an organization or other persons. Unless further time is granted by a majority vote of the Council, remarks from the public shall be limited to four minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer. No question may be asked of a Council member or a member of the staff without the permission of the presiding officer.

(G) *Spokesperson for group of persons.* In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of the group, to limit the number of the persons addressing the Council.

(H) *After motion.* After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first securing permission from the presiding officer.

(I) *Conduct.* Any member of the Council, staff or other person indulging in personalities or making impertinent, slanderous or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly

conduct of any meeting, hearing or other proceeding, shall be called to order by the presiding officer and, if the conduct continues, may at the discretion of the presiding officer, be ordered barred from further audience before the Council during that meeting.

(J) *Members of the audience.* No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

(Res. 96-27, passed 11-11-1996) Penalty, see § 10.99.

### § 30.07 ENFORCEMENT OF DECORUM

(A) *Warning.* All persons shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the officer may order him or her to remove himself or herself from the meeting. If he or she does not remove himself or herself, the presiding officer may order that the person be removed by the Sergeant-at-Arms.

(B) *Sergeant-at-Arms.* If present, the deputy sheriff shall be Sergeant-at-Arms at Council meetings. He or she shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the deputy sheriff to remove from the meeting any person who intentionally disturbs the proceedings of the Council.

(C) *Resisting removal.* Any person who resists removal by the deputy sheriff may be charged with violating city ordinance.

(D) *Motions to enforce.* Any Council member may move to require the presiding officer to enforce these rules and the affirmative vote of a majority of the Council shall require him or her to do so.

(E) *Adjournment.* In the event that any meeting is willfully disturbed by a group or group of persons so as to render the orderly conduct of the meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned with the remaining business considered at the next regular meeting.

(F) *Regular meeting.* All regular meetings of the Council shall be held on the second Monday of each calendar month at 7:00 p.m. or such other date or time as designated by the City Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place as established by the City Council, or another date as designated by the City Council. All meetings, including special meetings, shall be held in the City Hall or at a place accessible to the public as designated by the City Council.

(Res. 96-27, passed 11-11-1996)

**§ 30.08 SPECIAL MEETINGS**

The Mayor or any two members of the Council may call a special meeting of the Council upon at least 72 hours' written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at his or her usual place of residence with some responsible person. Similar notice shall be given to the official newspaper for publication. The notice shall be posted at the City Hall and two other public places in the city. Emergency meetings may be called in accordance with state law.

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

- (1) Designate the depositories of City Council;
- (2) Designate the official newspaper;
- (3) Choose one of the Council members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city, or, in case of vacancy in the office of Mayor, until a successor has been appointed and qualifies; and
- (4) Appoint officers, employees and members of boards, commissions and committees as may be necessary.

(B) *Public meetings.* All Council meetings, including special meetings and of Council committees, shall be open to the public, except as permitted under state law.

(C) *Minutes.* The minutes of each Council meeting shall be recorded by the City Clerk-Treasurer or other designee and kept on file by the City Clerk-Treasurer. Ordinances, amendments, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk-Treasurer and can be accurately identified from the description given in the minutes.

(D) *Approval.* The minutes of each meeting shall be composed in a word processing form. At the next regular Council meeting, the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved for publication.

(E) *Ordinances, resolutions, motions, petitions and communications.* Every ordinance and/or amendment shall be presented in writing. An ordinance or amendment need not be read in full unless a member of the Council requests such a reading.

(F) *Signing and publication proof.* Each ordinance amendment and resolution shall be signed by the Mayor, attested to, and filed in the binder in the city offices.

(G) *Repeals and amendments.* Each ordinance or amendment repealing a previous action, a section or division thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or amendment of an existing ordinance or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

(H) *Motion, petitions and communications.* Each motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the Council shall be in writing and shall be read in full upon presentation to the Council unless the Council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed in the city offices.

(I) *Committees designated.* The Council may create the committees, standing or special, as it deems necessary. Committees shall consist of as many members, and perform duties as the Council may require. Committee members shall be appointed by the Mayor at the first regular Council meeting in January of each year.

(J) *Membership.* Each committee shall include a Council representative. Each Committee member shall serve as appointed unless excused by a majority of the members of the Council.  
(Res. 96-27, passed 11-11-1996)

### § 30.09 CAMERAS AND RECORDING DEVICES

Cameras, including cable television and video types, electronic sound recording devices and any other mechanical and/or electrical devices may be used in the Council Chamber, but only in such a manner as will cause a minimum of interference with or disturbance of the proceedings of the Council.

(Res. 96-27, passed 11-11-1996)

### § 30.10 SALARIES OF MAYOR AND MEMBERS OF CITY COUNCIL

(A) *Monthly salary.* The salary of the Mayor shall be an amount to be determined by Council, and the salary of each other member of the City Council shall be an amount to be determined by the Council.

(B) *Special meetings.* Each member of the City Council shall receive compensation of an amount to be determined by the Council for each special meeting of the City Council he or she attends. For purposes of this section, a **SPECIAL MEETING** is any duly called meeting of the City Council except the Council's regular monthly meeting.

(C) *Additional meetings.* Council members attend meetings of other organizations and groups in their capacity as elected city officials. Representation of Council at the meetings is in the city's best interest. The meetings are often outside the city and frequently involve a substantial commitment of time on the part of those attending. Council members shall be compensated for attending approved meetings

at the rate of an amount to be determined by the Council per meeting. The City Council shall annually establish a list of organizations and groups whose meetings will be attended by one or more members of the Council and for which the attending members shall receive compensation. The City Council may from time to time supplement or amend the list of approved meetings to include unanticipated or extraordinary meetings.

(Ord. 2004-07, passed 7-26-2004)

## *DEPARTMENTS*

### **§ 30.25 POLICE DEPARTMENT**

The city shall not have an independent Police Department, but shall contract with Wright County for police protection. The City Council shall contract with Wright County at such times as are necessary for police protection.

(Prior Code, § 202.01)

### **§ 30.26 FIRE DEPARTMENT**

(A) *Fire Department continued.* There is hereby continued in this city a volunteer Fire Department consisting of a Chief, an Assistant Chief, a Fire Marshal and firefighters.

(Prior Code, § 203.01)

(B) *Appointment.* The Chief, the Assistant Chief and the Fire Marshal shall be appointed by the Council. The Chief shall appoint the firefighters, subject to confirmation by the Council. In making the appointments, the Chief and the Council shall take into consideration recommendations of the members of the Department. Each officer and every other member of the Fire Department, except a probationary firefighter, shall serve during good behavior and may be removed by the Council only for cause after a public hearing.

(Prior Code, § 203.02)

(C) *Duties of Fire Marshal.* The Office of Fire Marshal may be held by the Chief or by the Assistant Chief, if the Council, by resolution, approves. The Fire Marshal shall be charged with enforcement of all ordinances aimed at fire prevention. He or she shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

(Prior Code, § 203.03)

(D) *Duties of Chief.* The Chief shall have control of all the firefighting apparatus and shall be solely responsible for its care and condition. He or she shall make a semi-annual report to the Council at its meeting in March and September, on the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Council, and he or

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she shall report each suspension by him or her of a member of the Fire Department at the first meeting of the Council following the suspension. He or she shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her discharge or retention.

(Prior Code, § 203.04)

(E) *Records.* The Chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire, type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the Department responding to the alarm and other information as he or she may deem advisable or as may be required from time to time by the Council or State Insurance Department.

(Prior Code, § 203.05)

(F) *Practice drills.* The Chief shall have the authority to hold practice drills at his or her discretion.

(Prior Code, § 203.06)

(G) *Assistant Chief.* In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

(Prior Code, § 203.07)

(H) *Firefighters.* The Assistant Chief and firefighters shall be able-bodied and not less than 18 years of age. They shall become members of the Fire Department only after a six month probationary period. The Council may require that each candidate, before he or she becomes a probationary firefighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the Council, and that he or she must pass satisfactorily a mental and physical examination.

(Prior Code, § 203.08)

(I) *Loss of membership.* Absence of any firefighter from three consecutive drills or calls unless excused by the Chief shall be cause for removal from the Department.

(Prior Code, § 203.09)

(J) *Compensation.* The members and officers of the Fire Department shall receive compensation as the Council shall fix by resolution or ordinance.

(Prior Code, § 203.10)

(K) *Minimum pay.* In computing compensation for fires and practice drills, one hour shall be considered the minimum to be paid to any firefighter or officer.

(Prior Code, § 203.11)

(L) *Present members.* No person who is a member of the Fire Department at the time of the adoption of this section shall be required to serve a probationary period before becoming a firefighter.

(Prior Code, § 203.12)

(M) *Relief Association.* The members and officers of the Fire Department may organize themselves into a Firefighter's Relief Association in accordance with the law.

(Prior Code, § 203.13)

(N) *Rules.* The Department may adopt its own constitution and bylaws, not inconsistent herewith, for the proper management of the Department.

(Prior Code, § 203.14)

(O) *Equipment.* All equipment and apparatus acquired by the Cokato Fire Department, both by purchase or by contribution, shall become and remain the property of the city.

(Prior Code, § 203.15)

(P) *Calls outside city.* The Department is hereby authorized to answer fire calls outside the city limits; and when so doing, shall be considered his or her own doing as firefighters of this city. The Council shall, by resolution, prescribe the regulations concerning calls outside the city limits to insure adequate protection being available within the city. The Council may prescribe charges as may be made by the Fire Department for calls outside the city and must ratify any agreements made with another municipality or town for fire protection. The Council may contract with any individual or governmental agency to provide fire protection and to provide reciprocal protection outside the city limits.

(Prior Code, § 203.16)

(Q) *Interference with Department.* No person shall give or make, or cause to be given or made, a fire alarm without probable cause, neglect or refuse to obey any reasonable order of the Chief at a fire or interfere with the Fire Department in the discharge of his or her duties.

(Prior Code, § 203.17) Penalty, see § 10.99

## COMMISSIONS

### § 30.55 POLICE ADVISORY COMMISSION

(A) *Establishment of a Police Advisory Commission.* These sections shall include the following areas: establishment of Advisory Commission, membership, term of office, vacancies, legal advisory, rules, officers, duties and functions, meetings, compensation and amendments.

(B) *Establishment of Advisory Commission.* A Police Advisory Commission is hereby established to advise the City Council on police and public safety matters.

(C) *Membership.*

(1) *Composition.* The Commission shall consist of four general members and one member of the City Council.

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(2) *General members.* All general at large members shall be appointed by the Council. Any vacancy in a general membership shall be filled for the unexpired term by the Council. A general member of the Police Advisory Commission may be any adult resident of the city.

(3) *Council representative.* The Council representative shall be appointed by the Mayor with ratification by the City Council.

(4) *Ex-officio representatives.* Staff members of the Police Advisory Commission may include the City Administrator, City Attorney and other city personnel as appointed by the City Council. The Wright County Sheriff or Department representative may also be requested to participate in Commission meetings as necessary. Ex-officio representatives shall not be eligible to vote on Commission activities.

(D) *Terms.* Appointment to the Commission shall be made at the first regular January meeting of the City Council. General members shall be appointed on an annual basis for a one-year term.

(E) *Vacancies.* In the case of a vacancy during the term of office of any general member of the Commission, the Council shall appoint a new member to serve the remainder of the term. A vacancy shall exist if any one of the following occur: death, disability, residence outside of the city, resignation or removal by a majority vote of the Council.

(F) *Legal advisor.* The City Attorney shall be an ex-officio member and serve as the legal advisor to the Commission.

(G) *Rules.* The Commission may adopt rules and regulations for its own proceedings and shall meet at regular intervals. The time and place to be established by rules adopted from time to time. All meetings of the Commission shall be open to the public except for portions regarding disciplinary matters that must or may be legally closed or as otherwise authorized by law.

(H) *Officers.* The Commission shall elect from among its members a Chairperson, Vice Chairperson and a Secretary.

(1) *Duties of Chair.* The Chair shall preside at all meetings of the Police Advisory Commission and shall have the duties normally conferred and parliamentary usage of officers.

(2) *Duties of Vice Chair.* The Vice Chair shall act for the Chair in his or her absence.

(3) *Duties of Recording Secretary.* A Secretary may be appointed who is not a member of the Police Commission but can be employed as a member of city staff. The Secretary shall keep the minutes and records of the Commission; and with the assistance of support staff, shall prepare the agenda of the regular and special meetings for Commission members, arrange proper and legal notice of hearings when necessary, attend to correspondence of the Commission and other duties as are normally carried out by a Recording Secretary.

(I) *Duties and functions.* The duties and functions of the Commission shall be as follows:

- (1) To assist the Council in planning and research in the area of police matters, including budget, hours of coverage, intergovernmental cooperation and public information programs;
- (2) To develop a citizen complaint procedure on matters of public safety and general police work;
- (3) Promote and foster public interest in and for an understanding of the Police Department and law enforcement work;
- (4) To cooperate with all community groups and civic organizations within the city and furnish them the aid and advice in matters of public safety as deemed appropriate within the means provided by appropriations made by the Council;
- (5) To confer with and advise the Council on all matters concerning public safety within the city;
- (6) To take under advisement, study, hold hearings and make their written recommendations to the Council on all matters concerning public safety within the city;
- (7) To serve as a forum for the citizens of Cokato to voice their opinions regarding community safety activities and functions; and
- (8) To encourage coordination with other communities and agencies to the extent appropriate in matters pertinent to the community safety function.

(J) *Meetings.* The Police Advisory Commission shall hold quarterly meetings. Special meetings may be scheduled by the Chairperson as needed. All meetings shall be open to the general public.

(K) *Compensation.* Members of the Commission shall serve with compensation as set by Council for attendance at each meeting.

### § 30.56 PLANNING AND ZONING COMMISSION

(A) *Establishment of Commission.* A City Planning and Zoning Commission for the City of Cokato is hereby established. The Commission shall be the City Planning Agency authorized by M.S. § 462.354, Subdivision 1, as it may be amended from time to time.  
(Prior Code, § 205.01)

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(1) *Membership.* The City Planning and Zoning Commission shall consist of five members. The City Engineer and the City Attorney shall be members ex-officio without the right to vote and the City Council shall select one member of the Commission from its own membership. The other four members shall be appointed and may be removed by the Council.

(2) *Terms, vacancies and oath.* The term of each Planning and Zoning Commission member shall be an appointment for a period of one year with compensation as set by Council for attendance at each meeting. Members are also eligible and reimbursed for other expenses such as mileage that actually incurred in discharging the duties and responsibilities relating to the work of the Commission.

(Prior Code, § 205.02)

**(C) Organizations, meetings and the like.**

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

(2) *Meetings, records, reports.* The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which records shall be of public record. On or before February 15 of each year, the Commission shall submit to the City Council a report of its work during the preceding calendar year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.

(Prior Code, § 205.03)

**(D) Powers and duties of the Commission.** The Planning and Zoning Commission shall have the powers and duties given planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this section and by the Council. After the Commission has prepared and adopted a Comprehensive Plan, the Commission shall periodically but at least once every five years, review the Comprehensive Plan and any ordinance in any capital improvement program the Council has adopted to implement the Plan. After the review it shall, to the extent it deems necessary, revise the Comprehensive Plan, adopt the amendments or the new Comprehensive Plan and recommend it to the Council in accordance with law. Similarly, after the review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program in any ordinance implementing the Plan.

(Prior Code, § 205.04)

**(E) Zoning ordinances; public hearings.** No zoning ordinance or amendment shall be adopted by the Council until a public hearing has been held thereon by the Planning and Zoning Commission upon notices provided in M.S. § 462.357, Subdivision 3, as it may be amended from time to time.

(Prior Code, § 205.05)

(F) *Subdivisions; approval.* Any subdivision submitted to the Council for approval shall, prior to preliminary approval, be referred to the Planning and Zoning Commission for review and recommendation, if so required by the Subdivision Regulations. The Planning and Zoning Commission shall hold a public hearing on the subdivision following publication of the time and place of the hearing in the official newspaper at least ten days before the day of the hearing. Any subdivision so referred shall be returned to the Council by the Commission with its recommendations within 60 days, and the failure of the Commission to report in that period is deemed to have satisfied the requirements of this section. Final approval or disapproval of the subdivision shall be the decision of the City Council.

(Prior Code, § 205.06) (Res. 009, passed 6-12-2000)

### § 30.57 FIRE COMMISSION

(A) *Establishment of Commission.* A Fire Commission for the City of Cokato and government units served by the Fire Department is hereby established.

(Prior Code, § 213.01)

(B) *Composition.*

(1) *Membership.* The Fire Commission shall consist of one representative from each of the governmental units served by the Cokato Fire Department. The Fire Chief and City Administrator or designee shall be members ex-officio without voting privileges. Each governmental unit shall recommend to the City Council a member to be its representative. Members may be removed by the City Council upon recommendation of the representatives' governmental unit.

(2) *Terms, vacancies, oath.* The terms of ex-officio members shall correspond to their respective tenures. The terms of all other members shall be for a period of one year. Members of the Commission shall hold office until their successors are appointed. Vacancies during the term shall be filled by the City Council, upon recommendation of the particular governmental unit, for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his or her duties, take an oath that he or she will faithfully discharge the duties of his or her office.

(3) *Compensation.* Members of the Commission shall serve without pay, but may be reimbursed for actual expenses accrued in the discharge of their official duties.

(Prior Code, § 213.02)

(C) *Organization, meetings and the like.*

(1) *Officers.* The Commission shall elect a Chairperson from among its appointed members. The Commission may create and fill the other offices that it may deem necessary.

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(2) *Meetings.* The Commission shall hold regular meetings at such time and place as may be established by the Commission. Special meetings may be called by the Chairperson or any two Commission members upon 3 days written notice. All meetings of the Commission shall be open to the public.

(3) *Quorum, voting.* A simple majority of the members at a regular or special meeting shall constitute a quorum. All questions presented for a vote shall be decided by a simple majority of those present.

(4) *Records, reports.* The Commission shall keep a record of its transactions, recommendations and resolutions which record shall be a public record. The Commission shall make a quarterly report of its activities to the City Council and other participating government units. On or before February 15 of each year, the Commission shall submit to the City Council and other participating government units a report of its work during the preceding year.

(5) *Finances.* The Commission shall submit a proposed budget for each fiscal year to the city prior to the beginning of the fiscal year. Expenditures of the Commission shall be within amounts appropriated by the City Council.

(Prior Code, § 213.03)

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

(1) *Responsibilities.* The Fire Commission shall be advisory to the City Council, the Fire Department, the Firefighters' Relief Association and other municipal agencies, in all matters pertaining to the conduct of fire prevention and suppression within the city and governmental units served by the Cokato Fire Department.

(2) *Duties.* It shall be the duty of the Commission to:

(a) Submit a proposed Fire Department budget to the City Council and township boards for adoption;

(b) Review and monitor the adopted Fire Department budget;

(c) Recommend to the City Council proposed amendments to the budget;

(d) Recommend policies to the City Council on matters pertaining to the operation of the Fire Department;

(e) Report to their respective government units the activities of the Commission and Fire Department; and

- (f) Review proposed capital equipment purchases and make recommendations to the City Council on same.  
(Prior Code, § 213.04)

**§ 30.58 PARK COMMISSION**

*(A) Formation of Park Commission.*

- (1) There is hereby established a Park Commission which shall advise the City Council as to the acquisition, development, improvement and maintenance of city parks. As an advisory commission, the Park Commission shall not have any of the powers enumerated in M.S. § 412.521, Subdivision 1, as it may be amended from time to time.
- (2) The Park Commission shall consist of five members and one non-voting youth member appointed by the City Council. The Council shall select a member from among its own members to serve as one voting member of the Commission.
- (3) The membership of the Park Commission shall be appointed annually. Vacancies shall be filled by appointment of the City Council.
- (4) Members of the Commission shall serve with compensation as set by Council for attendance at each meeting.
- (5) Park Commission members serve at the pleasure of the City Council. The Council may remove any member who is absent at three consecutive Park Commission meetings without notifying or obtaining the consent of the Commission Chair or for other reasons deemed sufficient by the City Council.
- (6) The Commission shall meet at least once per calendar quarter. The Commission shall schedule additional meetings as it may deem necessary.

*(B) Organization and procedure.*

- (1) The Commission shall choose from among its members a Chair, a Vice Chair and such other officers as it deems appropriate.
- (2) The Commission may recommend bylaws or rules of procedure governing its operation to the City Council. The bylaws or rules of procedure shall take effect only if approved by a majority of the full Council.
- (3) Written minutes of meetings of the Commission shall be kept and filed with the City Administrator prior to the next regularly scheduled Council meeting, but shall be subject to approval at the next Park Commission meeting.

**Cokato - Administration****(C) Duties and powers of the Commission.**

(1) The Commission shall serve as an advisory body to the City Council. The Commission shall review and make recommendations to the Council regarding the following:

- (a) The acquisition of land for parks, trails and other recreational facilities;
- (b) Adoption and amendment of the city's Comprehensive Park Plan;
- (c) The construction of roadways, buildings and other necessary structures and improvements in parks;
- (d) Purchase of necessary materials and supplies, equipment and services pertaining to parks;
- (e) The maintenance of park property so that it is adequately maintained and cared for;
- (f) Entertainment for the general public on park grounds; and
- (g) Such other duties and powers as the City Council may delegate to the Commission.

(2) The Park Commission shall have no authority whatsoever to expend city funds. The Commission may make recommendations to the City Council regarding expenditures, but no expenditures for park purposes shall be made unless and until authorized by the City Council.

(3) No later than July 15 of each year, the Park Commission shall present to the Council a detailed estimate of the financial needs of the city parks for the ensuing fiscal year.  
(Ord. 03-2010, passed 5-10-2010)

**CODE OF ETHICS****§ 30.75 PURPOSE**

The City Council determines that high ethical standards among its members, as well as the members of its boards and commissions, are essential to the conduct of the public affairs of the city. The standards of conduct set forth below are intended to serve as a guideline for the members of the City Council and of the boards and commissions in carrying out their duties. By eliminating conflicts of interest and providing a guide for conduct in city matters, the City Council intends to promote the faith and confidence of the citizens of Cokato in their government, and to encourage its citizens to serve on its council and commissions. The provisions of this code of ethics are not intended to supersede or conflict with state statutes or city ordinances.

(Ord. passed 11-14-2011)

**§ 30.76 STANDARDS OF CONDUCT**

(A) No Council member or member of any board or commission may use the member's official position to secure special privileges or exemptions for the member or others.

(B) Except as permitted by law, all Council members and members of a board or commission must disclose a potential conflict of interest for the public record and refrain from participating in the discussion and vote when a matter comes before the City Council or board or commission when the conflict:

(1) Affects the member's financial interests or those of a business with which the member is associated, unless the effect on the member or business is no greater than on other members of the same business classification, profession or occupation; or

(2) Affects the financial interests of an organization in which the member participates as a member of the governing body, unless the person serves in that capacity as the city's representative.

(C) No Council member or member of any board or commission may enter into a contract with the city, unless authorized by law. A Council member or member of a board or commission who has a proprietary interest of 10% or more in a business or other entity doing business with the city must make that interest known in writing to the City Council and the City Clerk.

(D) No Council member or member of a board or commission may hold an office incompatible with the member's office on the City Council or board or commission.

(E) No Council member or member of a board or commission may act as an agent or attorney for another before the City Council or a board or commission in a matter where a conflict of interest exists or may exist. No former Council member or member of a board or commission may act as agent or attorney for another before the City Council or a board or commission if doing so involves the use of information gain in confidence while a member and which has not become public data.

(F) No Council member or member of any board or commission may knowingly accept or solicit, directly or indirectly, a gift for the member or another if prohibited by state law.

(G) A Council member or member of any board or commission may accept compensation or expense reimbursement for the performance of the member's public duties only from the sources listed below. No Council member or member of any board or commission may solicit or accept, and no person may offer or pay to a member, compensation or expense reimbursement for the performance of the member's public duties from any source other than:

(1) Compensation and expenses paid by the city;

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- (2) Compensation and expenses from other employment if the member conducts public business while being paid for the other employment and if the other employment does not interfere with, influence, or compromise the member's public position; and
- (3) Compensation and expenses paid by another governmental agency or municipal association to a Council member or member of a board or commission who serves as a city representative for that agency, but only if the city does not also pay the member for the same activity.
- (H) (1) No Council member or member of any board or commission may use public money, time, personnel, facilities, or equipment for private gain or political campaign activities except when:
- (a) The use is required or authorized by law; or
  - (b) The use is no greater than that allowed for members of the general public.
- (2) This does not prohibit correspondence at any time to a resident in response to the resident's specific inquiries, or general surveys of residents conducted before the time of filing for candidacy for elective office.
- (I) No Council member or member of a board or commission may disclose to the public or use for the private gain of the member or others any information gained by reason of the member's public position and which is not public data. No Council member or member of a board or commission may disclose information received, discussed, or decided in conference with the Council's or board's attorney that is protected by the attorney/client privilege, unless a majority of the Council or board has authorized the disclosure.
- (J) No Council member or member of a board or commission may use the member's official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise a political contribution or take part in political activity.
- (K) No Council member or member of a board or commission may make any public statement or offer any opinion in the member's official capacity without the prior written approval of the City Council. Any Council member or member of a board or commission who offers a public statement or opinion while using the member's title or official position without the prior written permission of the City Council shall do so in a manner which makes clear that the statement or opinion is the member's personal statement or opinion, not that of the City Council or board or commission.
- (L) No Council member or member of any board or commission may intentionally violate a provision of state law or city ordinance.  
(Ord. passed 11-14-2011)

**§ 30.77 DISCLOSURES**

(A) Within 30 days after taking the oath of office or being appointed to a position, each Council member and member of a city board or commission must file a report with the City Administrator or designee, on a form prepared by the staff, which contains the information specified below for the preceding year. Subsequently, each member must file a supplemental report on the first day of February of each year in office covering the preceding calendar year and within 30 days after any change in information provided under division (5) below. The information must be for the member, the member's spouse, and all minor children (collectively referred to below as member):

- (1) A business entity in which the member is an officer, director, member, or employee, and the position held;
- (2) A business entity in which the member has an ownership interest, either legal or equitable, greater than 5%;
- (3) Sources of income, compensation, fees, or commissions that are received from employment, for services rendered, or from pensions, except the employment of minor children;
- (4) Non-profit organizations in which the member serves on the governing body, and the position held, except if serving in that capacity as the city's representative; and
- (5) Real property within the city owned by the member or in which the member has a beneficial interest and that has an assessed valuation in excess of \$10,000. The member's homestead need not be included.

(B) The term ***BUSINESS ENTITY*** includes any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

(Ord. passed 11-14-2011)

**§ 30.78 ADVISOR OPINIONS**

Any Council member or member of a board or commission may, when the member has a doubt about the applicability of this code of ethics to a particular situation and with the prior approval of the City Council, seek an advisory opinion on the matter from the City Attorney.

(Ord. passed 11-14-2011)

**§ 30.79 HEARING**

(A) The City Council may hold a hearing after receiving a written complaint questioning adherence to this code of ethics or alleging a conflict of interest or failure to file a required disclosure statement or may do so on the Council's own initiative. At the hearing, the member accused must have the opportunity to be heard.

(B) A hearing may be held only if the City Council determines, upon advice of legal counsel for the city:

- (1) That the allegations rise to the level of a violation of this code of ethics or to the level of a legally recognized conflict of interest; and
- (2) That the complaint has been lodged in good faith and not for an impermissible purpose such as delay or harassment.

(C) If after the hearing, the City Council finds that a conflict of interest, failure to file a required disclosure, or violation of this code of ethics or of a legally recognized conflict of interest does exist, the City Council may take whatever action it deems appropriate, including referring the matter for criminal prosecution, directing a member not to participate in a decision, or removing an appointed member of an advisory board or commission from office. No Council member or member of a board or commission may participate as a member of the City Council or board or commission in any hearing or decision involving any matter in which the member is the subject of the complaint.  
(Ord. passed 11-14-2011)

## CHAPTER 31: CIVIL EMERGENCIES AND EMERGENCY MANAGEMENT

### Section

#### *Volunteer Ambulance Service*

- 31.01 Definitions
- 31.02 Purpose
- 31.03 Volunteer ambulance service established
- 31.04 Appointment
- 31.05 Duties of Director
- 31.06 Practice sessions
- 31.07 Assistant Director
- 31.08 Ambulance attendant qualifications
- 31.09 Compensation
- 31.10 Establishment of rates
- 31.11 Ambulance Fund established
- 31.12 Records
- 31.13 Equipment requirements
- 31.14 Availability of service
- 31.15 Licensing
- 31.16 Interference with service

#### *Emergency Management*

- 31.30 Policy and purpose
- 31.31 Definitions
- 31.32 Establishment of emergency management organization
- 31.33 Powers and duties of Director
- 31.34 Local emergencies
- 31.35 Emergency regulations
- 31.36 Emergency management a government function
- 31.37 Participation in labor disputes or politics
  
- 31.99 Penalty

***VOLUNTEER AMBULANCE SERVICE*****§ 31.01 DEFINITIONS**

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

***AMBULANCE*** - A vehicle that is designed or intended for use in providing transportation of wounded, injured, sick, invalid or incapacitated human beings, or expectant mothers.

***ATTENDANT*** - A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.  
(Prior Code, § 212.01)

**§ 31.02 PURPOSE**

This subchapter is for the purpose of providing adequate transportation for the sick and injured and promoting the public health, safety, comfort and welfare of the citizens of the Cokato area.  
(Prior Code, § 212.02)

**§ 31.03 VOLUNTEER AMBULANCE SERVICE ESTABLISHED**

There is hereby established a volunteer ambulance service for the City of Cokato, to provide adequate provisions for the transportation of the sick and injured to and from hospitals, asylums, medical centers or institutions where proper treatment and assistance may be administered; and it shall consist of its members, including a Director, Assistant Director and three supervisors.  
(Prior Code, § 212.03)

**§ 31.04 APPOINTMENT**

(A) The Ambulance Director, Assistant Director, and Secretary-Treasurer shall be appointed annually by the City Council. Any member in good standing of the ambulance service may apply for any of the officer positions by announcing their intentions at or before the November ambulance meeting. The City Council will consider experience, skills, training and recommendations from the volunteer membership of the ambulance. If more than one individual has expressed interest in a position, the City Council as a whole may consider holding interviews of the interested parties or may instruct the personnel committee to conduct the interviews. Each officer shall comply with department standards and policies and may be removed by the City Council for just cause after a public hearing.

(B) The incoming Ambulance Director shall appoint one to two training officers to oversee the annual training schedule for the membership. The Ambulance Director shall appoint new members to

the service after reviewing applications, references, and interviewing interested candidates, subject to confirmation by the Council. Volunteer members of the ambulance service shall comply with department standards and policies and may be removed by the City Council for just cause after a public hearing.

(Prior Code, § 212.04) (Am. Ord. 03-2012, passed 10-9-2012)

**§ 31.05 DUTIES OF DIRECTOR**

(A) The ambulance service shall be directed and supervised by the Director whose duty it shall be to keep all ambulance equipment in order, to establish rules and regulations for the use and operation of the same and ensure that the rules and regulations are duly executed and otherwise do and perform with the assistance of the additional personnel all actions necessary to accomplish the object and aims of this subchapter.

(B) The Director shall make a report annually to the Council at its meeting in January, as to the condition of the equipment and needs of the ambulance service. He or she may submit additional reports and recommendations at any meeting of the Council, and he or she shall report each suspension by him or her of a member of the ambulance service at the first meeting of the Council following the suspension. He or she shall be responsible for the proper training and discipline of the members of the ambulance service and may suspend any member for refusal or neglect to obey orders pending final action by the Council on his or her discharge or retention.

(Prior Code, § 212.05)

**§ 31.06 PRACTICE SESSIONS**

It shall be the duty of the Director to hold adequate training for the ambulance service and give the attendants instruction in approved methods of emergency health care.

(Prior Code, § 212.06)

**§ 31.07 ASSISTANT DIRECTOR**

In the absence or disability of the Director, the Assistant Director shall perform all the functions and exercise all the authority of the Director.

(Prior Code, § 212.07)

**§ 31.08 AMBULANCE ATTENDANT QUALIFICATIONS**

(A) The ambulance attendants shall be able-bodied, not less than 18 years of age and must pass satisfactorily a physical examination.

(B) They shall possess the 81 Hour Emergency Health Care Certificate or its equivalent (except that the Director may, at his or her discretion, waive this requirement if an applicant possesses a current Red

Cross Advanced First-Aid Certificate and has other significant professional attributes) and possess a current Minnesota driver's license.

(Prior Code, § 212.08)

### **§ 31.09 COMPENSATION**

The members and officers of the ambulance service shall receive compensation as determined by the City Council.

(Prior Code, § 212.09)

### **§ 31.10 ESTABLISHMENT OF RATES**

The Director shall establish a schedule of charges for the use of the ambulance that will pay all costs incurred in the operation of the ambulance service, subject to the approval of the City Council.

(Prior Code, § 212.10)

### **§ 31.11 AMBULANCE FUND ESTABLISHED**

It is hereby established and the City Clerk-Treasurer shall maintain a fund to be known as the Ambulance Fund, a record of which shall be kept by the City Clerk-Treasurer, into which shall be paid all monies received from the use of the ambulance and from which all disbursements shall be paid.

(Prior Code, § 212.11)

### **§ 31.12 RECORDS**

Upon completion of each ambulance run, the attendants on duty shall complete the Emergency Medical Service Record form or its equivalent, as prescribed by the Minnesota Department of Health.

(Prior Code, § 212.12)

### **§ 31.13 EQUIPMENT REQUIREMENTS**

The ambulance, when in service, shall be equipped with and carry at least the minimum equipment recommended by the American College of Surgeons.

(Prior Code, § 212.13)

### **§ 31.14 AVAILABILITY OF SERVICE**

The ambulance service shall offer ambulance service 24 hours per day every day of the year.

(Prior Code, § 212.14)

**§ 31.15 LICENSING**

The ambulance shall possess a valid license issued by the Minnesota State Board of Health.  
(Prior Code, § 212.15)

**§ 31.16 INTERFERENCE WITH SERVICE**

It shall be unlawful for any person to give, or make cause to be made a call for ambulance service without probable cause, to neglect to obey any reasonable order of a driver or attendants at an ambulance call or to interfere with the ambulance service's discharge of its duties. Any person convicted of violating this section shall be guilty of a misdemeanor.  
(Prior Code, § 212.16) Penalty, see § 31.99.

***EMERGENCY MANAGEMENT***

**§ 31.30 POLICY AND PURPOSE**

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

- (A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;
- (B) To provide for the exercise of necessary powers during emergencies and disasters;
- (C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; 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.

**§ 31.31 DEFINITIONS**

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

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

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

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

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

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

**§ 31.32 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION**

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Council.

**§ 31.33 POWERS AND DUTIES OF DIRECTOR**

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

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

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

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

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

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

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

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

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

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

### **§ 31.34 LOCAL EMERGENCIES**

(A) A local emergency may be declared only by the Mayor or Mayor Pro Tem. 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 Administrator.

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

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

Penalty, see § 31.99

### **§ 31.35 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 Administrator. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Administrator's Office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.37, as it may be amended from time to time and notwithstanding any statutory 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 § 31.99

**§ 31.36 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION**

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

**§ 31.37 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.

**§ 31.99 PENALTY**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person who violates any provision of §§ 31.30 through 31.37 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.



## CHAPTER 32: PLANS AND POLICIES

### Section

#### *Local Improvement Policy*

- 32.01 (Reserved)
- 32.02 Classification of projects
- 32.03 Financing Class B and C improvements
- 32.04 Assessment regulations for Class B improvements
- 32.05 Assessment rules for Class C improvements
- 32.06 Special rules
- 32.07 Federal, state and county aid use
- 32.08 Branch service lines
- 32.09 Partial prepayment
- 32.10 Certification of assessments
- 32.11 Permanent Improvement Revolving Fund
- 32.12 Assessment manual

#### *City Policies*

- 32.30 Abandoned property

***Cross-reference:***

*Abandoned vehicles, see Chapter 92*

**LOCAL IMPROVEMENT POLICY****§ 32.01 (RESERVED)****§ 32.02 CLASSIFICATION OF PROJECTS**

(A) *In general.* Public improvements are divided into the three classes specified in the following divisions according to their respective benefit to the whole city and to property specially served by the improvement and taking into account past city practice.

(B) *Class A.*

(1) Class A improvements are those which are of general benefit to the city at-large, including:

(a) Public buildings, except a building which is part of an improvement described in one of the following divisions;

(b) Any public park, playground or recreational facility;

(c) The installation and maintenance of street lighting systems; and

(d) Any improvement not described in M.S. § 429.021, Subdivision 1, as it may be amended from time to time.

(2) Any Class A improvement shall be financed from general city funds and not from special assessments.

(C) *Class B.* Class B improvements are those which are of both general benefit and special benefit to abutting or nearby property. Class B improvements include:

(1) Trunk water mains larger than six inches;

(2) Trunk sanitary sewer mains larger than eight inches;

(3) Permanently surfacing arterial streets;

(4) Storm sewers; and

(5) The construction of off-street parking facilities.

(D) *Class C.* Class C improvements are those which are primarily if not exclusively of benefit to property abutting or in the area of the improvement, including:

(1) The construction of sidewalks;

(2) The construction of water mains no larger than six inches in diameter;

- (3) The construction of sanitary sewer mains no larger than eight inches in diameter;
  - (4) The construction of curbs and gutters;
  - (5) Grading, graveling, oiling and applying non-permanent surfacing to streets;
  - (6) Permanently surfacing residential streets; and
  - (7) The abatement of nuisances and the draining of swamps, marshes and ponds on public or private property and filling the same.
- (Prior Code, § 303.02)

**§ 32.03 FINANCING CLASS B AND C IMPROVEMENTS**

- (A) It is the policy of the city to finance Class B and C improvements by the methods prescribed in §§ 32.04 through 32.06.
  - (B) The apportionment of the cost between benefitted property and the city at-large and the method of levying assessments prescribed in those sections shall be followed in each case unless the Council, by resolution, finds that, because of special circumstances stated in the resolution, a different policy is necessary or desirable in the particular case.
  - (C) Any local improvement described in M.S. § 429.021, as it may be amended from time to time, and not placed in Class A, B or C by § 32.02 shall be financed as the Council determines to be most feasible and equitable in each case.
- (Prior Code, § 303.03)

**§ 32.04 ASSESSMENT REGULATIONS FOR CLASS B IMPROVEMENTS**

- (A) *Trunk water mains and sanitary sewers.* When a water or sewer main is laid across or adjacent to unplatted property, the city shall not defer the assessment against the unplatted property if the assessment would be made for such an improvement in the case of platted property, but the city shall make the assessment at the time the assessment against other property is made, apportioning the assessment against the unplatted property on the basis of area. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer or water main of eight inches. The assessment for the lateral shall also include the property's share of the trunk sewer or water main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be paid for from general revenue.
  - (B) *Storm sewers.* Twenty five percent of the cost of constructing storm sewers shall be paid by the city from general funds. The remainder of the cost shall be assessed against the property in the area served by the sewer on the basis of the square footage of the property. The area to be assessed shall be determined on the basis of topographic maps and other pertinent data.
- (Prior Code, § 303.04)

**§ 32.05 ASSESSMENT RULES FOR CLASS C IMPROVEMENTS.**

(A) *Sidewalks.* The cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the side of the street on which the sidewalk is located.

(B) *Water and sewer.* The cost of lateral water mains not exceeding six inches in diameter and of lateral sanitary sewer mains not exceeding eight inches in diameter shall be assessed against abutting property on the basis of benefit. The cost of water mains to be assessed includes the service lines if furnished, hydrants and valves. The cost of sewer mains includes lines, if furnished.

(C) *Streets.* The cost of construction of curbs and gutters on any street, of grading, oiling and applying non-permanent surfacing to any street, or of applying permanent surfaces to residential streets shall be assessed on the basis of benefit.

(D) *Nuisances.* The cost of abating nuisances and draining of swamps, marshes and ponds on public or private property and filling the same shall be assessed in a manner determined by the Council in each case to measure most equitably the benefit received by property to be assessed. The assessment in any case may be made against non-abutting property to the extent the property is benefitted by the improvement.

(Prior Code, § 303.05)

**§ 32.06 SPECIAL RULES**

(A) *Corner lots.* In any assessment made on the basis of frontage, except one for water or sanitary sewer, corner lots shall be assessed for footage along the front of the lot plus one-third of the side footage. The other two-thirds of the side footage shall be spread among all other assessed properties. In the case of an assessment for a lateral water or sewer main, Class C corner lots shall be assessed for the footage along the front side of the lot and shall be assessed for the footage along the front side of the street abutting the lot unless the lot is large enough to accommodate another building which would be benefitted by construction of the second main.

(B) *Intersections.* The cost of water and sewer improvements in street intersections shall be included as part of the total assessable cost. In the case of any kind of street improvement, intersection costs shall be paid by the city.

(C) *Adjusted frontage.* When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires an adjustment to maintain fairness in the assessment:

- (1) Front footage shall be measured at the setback on cul-de-sacs and sharply curved streets and irregularly shaped lots;

(2) Equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision for pie-shaped lots and irregular shaped lots where other rules do not apply;

(3) Where frontage curves so greatly as to give a general appearance of a corner, the lot shall be considered a corner lot and equivalent front footage, as well as side footage where required, determined on the basis of an irregularly shaped lot; and

(4) Where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

(Prior Code, § 303.06)

**§ 32.07 FEDERAL, STATE AND COUNTY AID USE**

If the city receives financial assistance from the federal government, the state or the county to defray a portion of the cost of a street improvement project, the aid shall be used first to reduce the share of the project cost which would be met from general city funds according to the assessment formula contained in this subchapter. If the aid is more than the amount of the improvement cost to be borne by the city, the remainder of the aid so received shall be used to reduce each individual assessment proportionately.

(Prior Code, § 303.07)

**§ 32.08 BRANCH SERVICE LINES**

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street. If any property owner fails to put in the water and sewer service lines within 30 days after notice from the city, the City Council may proceed to have water and sewer service installed and to assess the cost against the property.

(Prior Code, § 303.08)

**§ 32.09 PARTIAL PREPAYMENT**

(A) After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the County Auditor, pay to the city any portion of the assessment not less than \$100.

(B) The remaining unpaid balance shall be spread over the period of time established by the Council for installment payment of the assessment.

(Prior Code, § 303.09)

**§ 32.10 CERTIFICATION OF ASSESSMENTS**

After the adoption of any special assessment by the Council, the City Clerk-Treasurer shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the county.

(Prior Code, 303.10)

**§ 32.11 PERMANENT IMPROVEMENT REVOLVING FUND**

(A) *Establishment.* There is hereby established a permanent improvement revolving fund of the city to be held and administered by the City Clerk-Treasurer, separate and apart from all other funds of the city, for the purpose of financing local improvements.

(B) *Source of funds.* The fund shall be a permanent fund of the city and the monies necessary for its maintenance shall be provided by taxation, by the appropriation of available monies from other funds of the city and/or by the issuance and sale of permanent improvement revolving fund bonds of the city as deemed necessary from time to time by the Council.

(C) *Disposition of funds.* Monies in the fund shall be used only as directed by resolution of the Council for the purpose of advancing to local improvement funds the cost of improvements for which assessments are to be levied. All monies so advanced to an improvement fund shall be restored as soon as sufficient monies are received in the improvement fund, together with interest at a rate fixed by the Council during the time for which the monies have been so furnished.

(D) *Investment.* Whenever there are monies in the fund not immediately needed for local improvements, the monies shall be invested by the City Clerk-Treasurer under the direction of the Council in any securities authorized for investment of municipal sinking funds by law.

(E) *Transfer of surplus.* When the fund accumulates encumbered monies in excess of any amounts reasonably anticipated to be needed for local improvement fund advances, the Council may, by resolution adopted by a four-fifths vote, declare any part of the excess to be surplus and transfer it to the general fund.

(Prior Code, § 303.11)

**§ 32.12 ASSESSMENT MANUAL**

The City Clerk-Treasurer shall prepare an administrative manual specifying more detailed procedures for the conduct of local improvements and the levy of special assessments in supplementation of this subchapter and consistent therewith. Upon approval of the Council by resolution, the manual shall be used with this subchapter in the conduct of all local improvement proceedings to which they apply by their terms.

(Prior Code, § 303.12)

*CITY POLICIES*

**§ 32.30 ABANDONED PROPERTY**

(A) *Procedure.* All abandoned property, except motor vehicles regulated under Chapter 92 of this Code of Ordinances, lawfully coming into possession of the city shall be disposed of as provided in this chapter.

(B) *Storage.* The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

(C) *Claimed by owner.* The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

(D) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the City Clerk-Treasurer after two weeks published notice setting forth the time and place of the sale and the property to be sold.

(E) *Disposition of proceeds.* The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he or she shall be paid the proceeds of the sale of his or her property less the cost of storage and the proportionate part of the cost of published notice and other costs of the sale. (Prior Code, § 208.02) (Am. Ord. 07-2010, passed 12-13-2010)



## **CHAPTER 33: PERSONNEL POLICY**

### Section

#### 33.01 Personnel Policy

### **§ 33.01 PERSONNEL POLICY**

The City Council may adopt such personnel policies as it deems advisable.  
(Prior Code, Chapter 2, Part 7) (Res. 93-22, passed 12-13-1993; Res. 93-23, passed 12-13-1993;  
Res. 98-17, passed 9-24-1998; Res. 98-18, passed 9-24-1998; Res. 98-20, passed 11-9-1998; Res.  
98-25, passed 12-7-1998; Res. 2006-04, passed 11-13-2006)

