
B Operations and Administration

Part 1 City Council

201.01. MEETINGS

Subdivision A. REGULAR MEETINGS

Regular meetings of the council shall be held on the second Monday of each calendar month at 7:30 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall.

Subdivision B. SPECIAL MEETINGS

The Mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. Similar notice shall be give to the Cokato Enterprise for publication and posted at the city hall and two other public places in the city.

Subdivision C. INITIAL MEETING

At the first regular council meeting in January of each year the council shall:

1. Designate the depositories of city funds;
2. Designate the official newspaper;
3. Choose one of the councilmen 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;

4. Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.

Subdivision D. PUBLIC MEETINGS

All council meetings, including special and adjourned meetings and meetings of council committees, shall be open to the public.

201.02. PRESIDING OFFICER

Subdivision A. WHO PRESIDES

The mayor shall preside at all meetings of the council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subdivision B. PROCEDURE

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

Subdivision C. APPEAL PROCEDURE

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

Subdivision D. RIGHTS OF PRESIDING OFFICER

The presiding officer may make motions, second motions, or speak on any question except that on demand of any councilman, he shall vacate the chair and designate a councilman to preside temporarily.

201.03. MINUTES

Subdivision A. WHO KEEPS

Minutes of each council meeting shall be kept by the clerk or, in his absence, by the deputy clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

Subdivision B. APPROVAL

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

201.04. ORDER OF BUSINESS

Subdivision A. ORDER ESTABLISHED

Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

1. Call to order
2. Roll call
3. Approval of minutes
4. Public hearings
5. Petitions, requests, and communications
6. Ordinances and resolutions
7. Reports of officers, boards and committees
8. Unfinished business

9. New business
10. Miscellaneous
11. Adjournment

Subdivision B. VARYING ORDER

The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

Subdivision C. AGENDA

An agenda of business for each regular council meeting shall be prepared and filed in the office of the clerk not later than seven (7) days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each council member and to the city attorney as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the council members present.

201.05. QUORUM AND VOTING

Subdivision A. QUORUM

At all council meetings a majority of all the council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and the council may punish non-attendance by a fine not exceeding \$5.00 for each absence from any meeting unless a reasonable excuse is offered.

Subdivision B. VOTING

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

Subdivision C. VOTES REQUIRED

A majority vote of all members of the council shall be necessary for approval of any ordinances unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

201.06. ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS

Subdivision A. READINGS

Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subdivision B. SIGNING AND PUBLICATION PROOF

Every ordinance and resolution shall be signed by the mayor, attested by the clerk, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subdivision C. REPEALS AND AMENDMENTS

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

Subdivision D. MOTION, PETITIONS, COMMUNICATIONS

Every 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 with the minutes in the office of the clerk.

201.07. COMMITTEES

Subdivision A. COMMITTEES DESIGNATED

The council may create such committees, standing or special, as it deems necessary. Committees shall consist of as many members, and perform such 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.

Subdivision B. MEMBERSHIP

Each committee shall consist of three members of the council and the chairman of each committee shall be designated by the mayor. Each committee member shall serve as appointed unless excused by a majority of the members of the council. If the committee does not provide otherwise, committee meetings shall be held at the call of the chairman. The same notice shall be given of committee meetings as for special meetings of the council except that personal notice need not be given each member if the committee so decides.

Subdivision C. REFERRAL AND REPORTS

Any matter brought before the council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him for a written report and recommendation before it is considered by the council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the clerk prior to the council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

201.08. SUSPENSION OR AMENDMENT OF RULES

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

201.09. SALARIES OF MAYOR AND COUNCILMEN

The salary of the Mayor is fixed at \$210.00 per month. The salary of each councilman is fixed at \$135.00 per month -

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201.10. ESTABLISHMENT OF INSURANCE COVERAGE OF INJURIES TO ELECTED OFFICIALS - MAYOR AND COUNCIL

Pursuant to MN Statutes Section 176.011, Subdivision 9, Clause 5, the Mayor and City Council, the elected officials of the city and these municipal officers

appointed for a regular term of office are hereby included in the coverage of the Minnesota Workers Compensation Act.

Part 2 Police Department

202.01. ESTABLISHMENT

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. A copy of the contract shall be included with the Book of Ordinances and shall be denominated 202.02.

202.03. ESTABLISHMENT OF A POLICE ADVISORY COMMISSION

The sections shall include the following area Establishment of Advisory Commission, Membership, Term of Office, Vacancies, Legal Advisory, Rules Officers, Duties and Functions, Meetings, Compensation and Amendments.

202.04. ESTABLISHMENT OF ADVISORY COMMISSION

A Police Advisory Commission is hereby Established to advise the City Council on police and public safety matters.

202.05. MEMBERSHIP

- a. Composition -The Commission shall consist of four general members and one member of the City Council
- b. 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 Commission may be any adult resident of the city.
- c. Council Representative - The Council representative shall be appointed by the Mayor with ratification by the City Council.
- d. 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.

202.06. 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 (1) year term.

202.07. 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.

202.08. Legal Advisor

The City Attorney shall be an ex-officio member and serve as the legal advisor to the Commission.

202.09. 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 rule 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.

202..10. Officers

The Commission shall elect from among its members a chairman, vice chairman and a secretary.

- a. Duties of Chair - The chair shall preside at all meetings of the Police Commission and shall have the duties normally conferred and parliamentary usage of such officers.
- b. Duties of Vice Chair - The vice chair shall act for the chair in his or her absence.
- c. 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.

202. 11. Duties and Functions

The duties and functions of the Commission shall be as follows:

- a. 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;
- b. To develop a citizen complaint procedure on matters of public safety and general police work.
- c. Promote and foster public interest in and for an understanding of the police department and law enforcement work.
- d. To cooperate with all community groups and civic organizations within the city and furnish them such aid and advice in matters of public safety as deemed appropriate within the means provided by appropriations made by the council;
- e. To confer and advise the Council on all matters concerning public safety within the city;
- f. To take under advisement, study, hold hearings and make their written recommendations to th Council on all matters concerning public safety within the city;
- g. To serve as a forum for the citizens of Cokato to voice their opinions regarding community safety activities and functions;
- h. To encourage coordination with other communities and agencies to the extent appropriate in matters pertinent to the community safety function.

202. 12. Meetings

The Police Advisory Commission shall hold quarterly meetings. Special meetings may be scheduled by the chairman as needed. All meetings shall be open to the general public.

202. 13. Compensation

Members of the Commission shall serve without compensation.

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Part 3 Fire Department

203.01. FIRE DEPARTMENT CONTINUED

There is hereby continued in this City a volunteer fire department consisting of a chief, an assistant chief, a fire marshall and not less than twenty (20) nor more than twenty four (24) firefighters.

203.02. APPOINTMENT

The chief, the assistant chief, and the fire marshall shall be appointed by the council. The chief shall appoint the firefighters, subject to confirmation by the council. In making such 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.

203.03. DUTIES OF FIRE MARSHALL

The office of fire marshall may be held by the chief or by the assistant chief, if the council, by resolution, approves. The fire marshall shall be charged with enforcement of all ordinances aimed at fire prevention. He shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

203.04. DUTIES OF CHIEF

The chief shall have control of all the fire fighting apparatus and shall be solely responsible for it's care and condition. He shall make a semi-annual report to the council at it's meeting in March and September, on the condition of the equipment and needs of the fire department. He may submit additional reports and recommendations at any meeting of the council, and he shall report each suspension by him of a member of the fire department at the first meeting of the council following such suspension. He 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 discharge or retention.

203.05. 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 such other information as he may deem advisable or as may be required from time to time by the council or State Insurance Department.

203.06. PRACTICE DRILLS

The chief shall have the authority to hold practice drills at his discretion.

203.07. ASSISTANT CHIEF

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

203.08. 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 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 must pass satisfactorily a mental and physical examination.

203.09. 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.

203.10. COMPENSATION

The members and officers of the fire department shall receive such compensation as the council shall fix by resolution.

203.11. 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.

203.12. PRESENT MEMBERS

No person who is a member of the fire department at the time of the adoption of this Ordinance shall be required to serve a probationary period before becoming a firefighter.

203.13. RELIEF ASSOCIATION

The members and officers of the fire department may organize themselves into a fireman's relief association in accordance with the law.

203.14. RULES

The department may adopt it's own constitution and by-laws, not inconsistent herewith, for the proper management of the department.

203.15. 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 of Cokato.

203.16. CALLS OUTSIDE CITY

The department is hereby authorized to answer fire calls outside the city limits; and when so doing, shall be considered his own doing as firemen of this city. The council shall, by resolution, prescribe such regulations concerning calls outside the city limits to insure adequate protection being available within the city. The council may prescribe such 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.

203.17. INTERFERENCE WITH DEPARTMENT

No person shall give or make, or cause to be given or made, a fire alarm without probable cause, or 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 duties.

203.18. BURNING

No person shall burn any refuse or any material whatsoever in any outdoor fire or incinerator at any time.

Part 4 Board of Health

204.01. BOARD OF HEALTH

A City Board of Health is hereby established. The Board shall consist of three members who shall be appointed by the council at the first meeting of the year for terms of three years except that of the members first appointed one shall serve for a term of three years, one for a term of two years, and one for a term of one year. At least one shall be a physician who shall be designated as health officer and shall serve as executive officer of the Board. A vacancy during the term of any member shall be filled by council appointment for the remainder of the term.

204.02. DUTIES OF BOARD

The Board of Health shall have the following powers and duties:

1. To investigate and make such reports and obey such directions concerning communicable diseases as the State Board of Health may require or give.
2. To cause all laws and regulations relating to the public health, including all health regulations included in this code, to be obeyed and enforced.
3. To make recommendations to the City Council with respect to ordinances and programs to promote the public health.
4. To oversee the operation and maintenance of the City Cemetery and make recommendations to the City Council regarding same.

204.03. DUTIES OF HEALTH OFFICER

Subdivision A. GENERAL

The health officer shall have the powers and duties described in the following subdivisions.

Subdivision B. BOARD ORDERS

He shall execute the lawful orders of the State and City Boards of Health.

Subdivision C. HEALTH ORDINANCES

With the advice and consent of the Board of Health, he shall enforce all statutory and ordinance provisions relating to public health.

Subdivision D. COMMUNICABLE DISEASES

He shall employ at the expense of the City such medical and other help as may be necessary in the control of communicable disease. The City Clerk shall see that statements of expense incurred in establishing, enforcing, and releasing quarantine are, after payment, certified to the county auditor for allowance of one-half the amount as a payment by the county to the city as provided by law; but no expense shall be paid by the city unless payment is refused by the person liable therefore under the statutes.

Subdivision E. ORDERS

The health office may issue and serve, or have served, written individual orders requiring the owner or occupant of any premises to clean cesspools, septic tanks, dry wells, leaching pits, vaults, sheds, or barns or to remove refuse from the premises or any street or alley adjacent thereto or to place and keep such premises in a clean and wholesome condition. He may also issue and serve, or have served, written individual orders requiring the owner or occupant of any premises to fill with dirt and cease to use any cesspool, dry well, leaching pit, or vault which does not function in a proper manner and requiring the owner or occupant to provide satisfactory arrangements to take the place of those whose use is discontinued.

Subdivision F. WATER SAMPLES

He shall direct from time to time that samples of water shall be taken from private wells, public wells, the public water system, public beaches and public swimming pools and other places to which the public is invited. He shall have these samples analyzed and catalogued according to the standards established by the State Board of Health and, based thereon, the City Board of Health shall make such recommendations regarding the water samples as it deems necessary to appropriate city authorities.

Subdivision G. INSPECTION OF VARIOUS ESTABLISHMENTS

The health officer may inspect all premises engaged in the manufacture, processing, distribution, storage or sale of food, beverages, drugs, liquors, milk, ice, or any other product intended for human consumption, as well as the utensils, dishes, containers used in the cleaning, preparation, serving or eating of any product to insure its purity and cleanliness or the sanitation and cleanliness of the premises, personnel, and facilities, and to recommend to the owner or proprietor such changes as he deems necessary.

Subdivision H. RIGHT OF ENTRY

For the purpose and inspection at any reasonable hour and during an emergency at any hour, the health officer may enter any building, conveyance, or place where contagion, infection, or filth or any other source or cause of preventable disease exists or is reasonably suspected.

Subdivision I. ARREST

The health officer shall have the power of arrest for violation of this or any other ordinance of the city, of any state law or regulation of the State Board of Health.

Subdivision J. SANITARY INSPECTION

In accordance with regulations of the State Board of Health, the health officer shall make a thorough sanitary inspection of the city in the month of May each year and present a written report of such inspection, together with his recommendations, to the council on or before the 1st day of June. He shall make additional inspection during the year if deemed necessary.

Subdivision K. HEALTH INSPECTIONS

The Health Officer shall have the right and power to inspect any premises that are rented or leased to the public for purposes of habitation. The health officer shall order the owner or manager of such premises to take such actions as required to safeguard the health and welfare of tenants. All costs shall be chargeable to the owner. If the owner either refuses to correct the conditions pointed out by the health officer or does not make corrections satisfactory to the health officer, the health officer shall inform the council of this. The City shall then make the necessary corrections and bill the owner for their cost. If the owner does not pay the billing within 30 days, the billing shall be certified to the County Auditor and added to the property tax on said premises.

204.04. INTERFERENCE WITH HEALTH BOARD OR OFFICER

No person shall obstruct, interfere with, or impede the health officer or the Board of Health in the performance of official duties or remove any sign posted by order of the health officer in any area or on any building.

Part 5 Planning Commission

205.01. ESTABLISHMENT OF COMMISSION

A City Planning Commission for the City of Cokato is hereby established. The Commission shall be the City Planning Agency authorized by Minnesota Statutes, Section 462.354, Subdivision A.

205.02. COMPOSITION

Subdivision A. MEMBERSHIP

The City Planning Commission shall consist of five members. The City Engineer and the City Attorney shall be members ex-officio and the City Council shall select one member of the Commission from its own membership. The other four members shall be appointed any may be removed by the Council.

Subdivision B. TERMS, VACANCIES, OATH

The term of each Planning and Zoning Commission member shall be an appointment for a period of one (1) year with compensation of twenty five dollars for attendance at each meeting. Members are also eligible and reimbursed for other expenses such as mileage that actually incur in discharging the duties and responsibilities relating to the work of the commission. ~~-, - Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his duties, take an oath than he will faithfully discharge the duties of his office. All members shall serve without compensation.~~

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205.03. ORGANIZATIONS, MEETINGS, ETC

Subdivision A. OFFICERS

The Commission shall elect a chairman from among its appointed members for a term of one year; and the Commission may create and feel such other offices as it may determine. The City Clerk shall act as Secretary of the Planning Commission, but he shall not be a member.

Subdivision B. 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 15th 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.

205.04. POWERS AND DUTIES OF THE COMMISSION

The Planning 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 ordinance 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, any ordinance in any capital improvement program the Council has adopted to implement the plan. After such 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 such review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program in any ordinance implementing the plan.

205.05. 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 Commission upon notices provided in Minnesota Statutes, Section 462.357, Subdivision 3.

205.06. PLATS; APPROVAL

Any subdivision plats submitted to the Council for approval, shall, prior to final approval, be referred to the Planning Commission for review and recommendation. Any plats so referred shall be returned to the Council by the Commission with its recommendations within 40 days, and the failure of the Commission to report in that period is deemed to have satisfied the requirements of this section.

Part 6 Civil Defense Agency

206.01. ACT ADOPTED

The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it relates to cities, is adopted by reference as part of this ordinance as fully as if set forth explicitly herein.

206.02. CIVIL DEFENSE AGENCY

Subdivision A. AGENCY DIRECTOR

There is hereby created within the city government a Civil Defense And Disaster Agency that shall be under the supervision and control of a director of civil defense, hereinafter called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him at any time. He shall serve without salary but shall be paid his necessary expenses. The Director shall have direct responsibility for the organization, administration, and operation of the Civil Defense Agency, subject to the direction and control of the Mayor.

Subdivision B. ORGANIZATIONS AND FUNCTIONS

The Civil Defense Agency shall be organized into such divisions and bureaus, consistent with State and local defense plans, as the Director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to Minnesota Statutes, Chapter 12, or this ordinance.

206.03. POWERS AND DUTIES OF DIRECTOR

Subdivision A. INTERGOVERNMENTAL ARRANGEMENTS

With consent of the Mayor, the Directors shall represent the City on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for reciprocal civil defense aid and assistance and civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the Council for its action. Such agreement shall be consistent with the civil defense plan and during a civil defense emergency, civil defense agency, and civil defense forces shall render assistance in accordance with the provisions of such agreements.

Subdivision B. CIVIL DEFENSE PLAN

The Director shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the City Council for its approval. When the Council has approved the plan by resolution, all civil defense forces of the City shall perform the duties and functions assigned by the plan.

Subdivision C. REPORTS

Said Director shall prepare and present to the Council periodically a report of activities and recommendations.

Part 7 Personnel Policy

207.01. PURPOSE

It is the purpose of this part to establish a uniform and equitable system of personnel administration for employees of the City.

207.02. SCOPE OF ORDINANCE

Subdivision A. PERSONNEL COVERED

Except as other wise specifically provided, this ordinance applies to all employees of the City except the following:

1. All elective officials;
2. The City Attorney and the Health Officer;
3. Members of City Boards, Commissions, Committees;
4. Volunteer firefighters and other volunteer personnel;
5. Emergency employees;
6. Other employees not regularly employed in permanent positions.

Subdivision B. PROVISIONS SUPERSEDED IN CERTAIN CASES

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act, Minnesota Statutes, Sections 179.61 to 179.76 shall be exempt from any provision of this part which is inconsistent with such agreement. Any employee subject to any other employment agreement negotiated with the Council shall be exempt from any provision of this part which is inconsistent with such agreement. Any employee with jurisdiction of a personnel board of the Civil Service Commission established under Minnesota Statutes, Chapter 44, 419, or 420 is exempt from any provision of this part which is inconsistent with such statutes or rules and regulations adopted thereunder. Nothing in this part is intended to modify or supersede any provision of the Veterans Preference Act, Minnesota Statutes, Sections 197.45 to 197.981.

207.03. APPOINTMENTS

Every appointment to municipal service shall be made by the appointing authority on the basis of merit and fitness for the position. When required by law or by the Council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

207.04. PROBATIONARY

Subdivision A. PURPOSE

The probationary period is an integral part of the selection process and shall be utilized for observing the employees work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

Subdivision B. DURATION

Every original appointment and every promotional appointment is subject to a probationary period of six months after appointment.

Subdivision C. TERMINATION

The appointing authority may terminate a probationary employee any time during the probationary period if in the appointing authority's opinion the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless he is a veteran, in which case the procedure prescribed in Minnesota Statutes, Section 197.46 shall be followed. A permanent employee terminated during the probationary period from a position to which he was transferred or promoted and not terminated from the City services provided in these rules, shall be placed on a leave of absence without pay. When a vacancy arises in the class from which the employee was promoted or transferred, such employee shall be reinstated to that position.

Subdivision D. COMPLETION

Immediately prior to the expiration of the probationary period, the department head shall notify the Council in writing whether or not the services of the employee have been satisfactory and whether or not the employee will be continued. If the notification states that the employee will be continued, the

employee shall become a permanent employee at the end of the probationary period.

207.05. COMPENSATION

Subdivision A. AMOUNT

Employees of the City shall be compensated according to the schedule established by the City Council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the Council, no employee shall receive pay from the City in addition to the salary authorized for the position or positions to which he has been appointed.

Subdivision B. TEMPORARY AND PART-TIME EMPLOYEES

Whenever an employee works for a period less than the regularly established number of hours a day, days a week, or weeks a month, the amount paid shall bear the same relationship to the full time rate for the position as the time eventually worked bears to the time required for full time service. Temporary employees are not entitled to sick leave, vacation leave, or holidays with pay.

Subdivision C. COMPENDATORY/OVERTIME POLICY

POLICY

Department Heads shall establish schedules calling for not more than eighty (80) hours in a bi-weekly work period. Supervisors and department heads and/or the City Administrator may request employees to work overtime that is consistent with municipal operational needs. Overtime shall be worked only with the authorization of the department head and/or the City Administrator. Employees are expected to work a reasonable amount of overtime when an emergency does arise. All vacation time, paid holidays, sick leave, other paid leaves are considered normal hours of a work schedule.

EMERGENCY SITUATIONS

Emergency situations are defined as hours worked outside of the normal schedule dealing with responsibility of excess snowfall conditions, severe weather such as ice, tornado, blizzards, watermain breaks, injury accidents, train derailment, search for missing persons, hostage issues, a fire and law enforcement related emergencies and/or other demands where the immediate response of municipal public works employees or support staff may be required. Overtime pay for hours

worked during an emergency situation shall be authorized by the City Administrator.

OVERTIME RATE

Overtime is authorized time worked by an employee that exceeds forth (40) hours in a seven (7) day work period. Overtime is earned at a rate of one and one half times the hours worked in accordance with FLSA standards. Except in emergency situations overtime earned shall be taken as compensatory time leave.

COMPENSATORY TIME LEAVE

Compensatory time leae shall be taken as soon as practical by the employee with the aproval of the department head. Municipal service interruptions and work loads must be reviewed prior to scheduling the time off requested. An employee request will not be denied unless it is an “undue hardship” for the city. The city may request an employee to use time in the compensatory bank upon written notice.

ACCRUAL OF COMPENSATORY TIME

The maximum number of hours an employee may carry over from year to year is one hundred and twenty (120) hours or fifteen (15) days. Upon resignation or retirement by the employee, the total accrued balance shall be pai at the employees present rate of pay.

DESCRETONARY PAY OUT POLICY

The City Council shall liquidate in cash annually within pay period #25 all or a portion of overtime hours in the compensatory bank at the employees current rate of pay.

CONTINUING EDUCATION

Employees attending school, classes, short course seminars, workshops or retreats will not receive any kind of additional compensatory or overtime compensation for hours beyond the forth (40) hour work week.

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Deleted: Employees to whom Federal or State Fair Labor Standards Acts apply shall be compensated for overtime rates at one and a half the regular rate of pay. To the extent permitted by law, compensatory time off shall be taken as approved by the department head for periods of not less than four hours at a time.

Subdivision D. PAY DAYS

Employees shall be paid monthly on the last day of the month. When a pay day falls on a weekend or a holiday, employees shall receive their pay the preceding work day.

207.06. WORK HOURS

Work schedules for personnel shall be established by the appropriate department head with the approval of the Council. The regular work week for employees is five eight-hour working days in addition to a lunch period, Monday through Friday, except as otherwise established by the department head in accordance with custom and needs of the department.

Deleted: WITH PAY

207.07. VACATION LEAVE POLICY

General

Permanent, full-time and permanent part-time employees are eligible for paid vacation. Paid vacation is not available to temporary, intermittent or seasonal employees. Permanent par-time employees will earn vacation on a pro-rated basis.

Amounts Earned

Every permanent employee having less than one (1) year consecutive full-time service will earn vacation leave at the rate of five (5) working days per year; based on employment anniversary date. After two (2) years, an employee will earn vacation leave at a rate of ten (10) working days per year; based on employment anniversary date. After seven (7) years an employee will earn vacation at a rate of fifteen (15) working days per year. After fifteen (15) an employee will earn vacation at a rate of twenty (20) working days per year; based on employment anniversary date.

ACCRUAL

Up to a minimum of thirty (30) days or 240 hours of accrued vacation time may be carried over to the next year as of December 31st of each year. Amounts over and above may be carried over but must be approved by the City Administrator.

VACATION LEAVE REQUIREMENTS

Vacation leave will accrue during the training or probation period; but will be unavailable to be used by the employee. However, if the employee becomes a

permanent employee, vacation leave will be awarded on the employment anniversary date.

Use of accrued vacation must be approved by the employee's supervisor in advance of the scheduled dates. Consideration will be given to operational issues and staffing needs when reviewing each employee request.

Requests to use paid vacation should be received at least forty-eight (48) hours in advance of the requested time off and preferable longer. This notice may be waived at the discretion of the supervisor or department head.

For purposes of accumulating additional vacation leave, an employee using earned vacation or paid sick leave is considered to be working. If a paid holiday falls during an employee's vacation, the employee will not be charged vacation time for the period of the holiday. Furthermore, vacation must be taken in at least one (1) hour increments.

VOLUNTARY TERMINATION

An employee will receive a lump sum payment for the balance of accumulated vacation leave upon voluntary termination and on a pro-rated basis. This payment will be given to the employee who has been employed for at least one year and after proper notice has been given to the city.

The rate of vacation pay will be the employee's regular rate of pay in effect on the date immediately preceding the employee's vacation period.

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Subdivision D. TERMINAL LEAVE

Any employee leaving the municipal service in good standing after giving proper notice of such termination of employment shall be compensated for vacation leave accrued and unused to the date of separation.

207.08. SICK LEAVE POLICY

Purpose. This policy is intended to provide city employees with the benefit of sick leave for short term illnesses without loss of pay. Sick leave is granted to employees who are in fact ill and unable to work or who are experiencing short term family medical emergencies.

Accrual Rate. Full time employees, except for emergency, temporary, intermittent and project appointments, shall accrue sick leave the rate of on day (8 hours) per month of continuous employment. Part time employees, and full time employees working less than the full month, shall accrue sick leave on a prorated

Deleted: Subdivision A. AMOUNT ALLOWED¶

Every permanent employee having less than five years consecutive full time service shall be entitled to one week of vacation after the completion of one full year of employment plus one extra day for each additional year of employment. Each permanent employee with at least five but less than ten consecutive years of full time service shall have vacation leave of two weeks; and each permanent employee with at least ten years of consecutive full time service shall have three weeks of vacation leave.¶

<#>Subdivision B. ACCRUAL¶

An employee may accrue vacation leave to a maximum of 30 days.¶

<#>Subdivision C. WHEN TAKEN¶

Vacation leave may be used as earned subject to approval by the department head of the time at which it may be taken.

basis. Employees shall be allowed to accumulate unused sick leave up to a total of 360 hours maximum.

Use of Sick leave: Employees shall be granted sick leave with pay to the extent of the employees accumulated sick leave under the following conditions:

1. An employee illness or disability, including the period of time that a doctor certifies a female employee unable to work because of pregnancy.
2. An employee medical chiropractic or dental care.
3. An employee's exposure to contagious disease which endangers the health of other employees, clients or the public.
4. Illness of a spouse, or dependent children, or a parent who is living in the same household of the employee; illness of a minor child whether or not the child lives in the same household of the employee.
5. The birth or adoption of a child.

In addition all employees may take up to three (3) days sick leave in cases of death of the spouse or parents or grandparents of the spouse, or the parents, grandparents, children, grandchildren, brothers or sisters of the employee. Additional use of sick leave for bereavement may be granted at the discretion of the appropriate department head.

Sick Leave. The employee shall notify the department head or immediate supervisor of any illness as soon as possible before the scheduled time that he or she is due to report for work. If physically incapable of doing so, he or she should give notice as soon as possible. Employees shall furnish a statement from a medical practitioner upon the request of the department head for absences in excess of three working days, where the department head has reasonable reason to believe that an employee has or is abusing sick leave, if exposed to a contagious disease which endangers the health of other supervisors, employees, clients or the public or upon return to work from an extended illness.

Coordination With Workers Compensation. When an employee on Workers Compensation benefits has decided to use sick leave to supplement his/her benefits the following procedure applies. The employee shall notify the department head that he/she wishes to supplement his/her Workers Compensation check through use of sick leave. The department head shall obtain from the Worker's Compensation Division the amount of the benefit check and automatically authorize a payroll check in the amount of the difference between the benefit check and the employee's regular gross pay for the employee's normal pay period. The employee's accumulated sick leave shall be reduced by the amount of the payroll check divided by the employee's hourly rate of pay at the time the the payroll check is issued.

An employee who uses sick leave while awaiting the Worker's Compensation determination shall return that part of the Worker's Compensation check which covers the waiting period to the city. The employee's sick leave shall be credited back with the number of hours equal to the amount of the Worker's Compensation check divided by the employee's hourly wage.

Payout Upon Termination: Upon separation from employment and after two (2) years of continuous employment employees shall receive severance pay equal to forty percent of the employee's accumulated but unused sick leave balance (said balance not to exceed 360 hours).

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207.09. MILITARY LEAVES

Every employee to whom Minnesota Statutes, Section 192.26 or 192.261 applies is entitled to the benefits afforded by these Sections subject to the conditions herein prescribed.

207.10. MATERNITY LEAVE

Any permanent, full time employee shall be granted a maternity leave without pay upon approval of the department head. A maternity leave of absence shall not exceed five months duration.

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Deleted: **Subdivision A. AMOUNT**

Deleted: Every probationary and permanent employee is entitled to sick leave with pay at the rate of one (1) day for each calendar month of full time service or major fraction thereof. Sick leave may be accumulated to a maximum of 20 days and may be granted in units of not less than two hours or one quarter of a workday.

Deleted: **Subdivision B. PURPOSES**

Deleted: Sick leave may be granted when an employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be granted for a maximum of three days for death of an employee's spouse, child, father, or mother, or death of a spouse's mother and father.

Deleted: **Subdivision C. PROOF**¶

To be eligible for sick leave with pay, an employee shall:¶
<#>Report as soon as possible to his department head the reason for his absence;¶
Keep his department head informed of his condition if the absence is of more than three days duration;

Deleted: Submit a medical certificate for any absence if required by the Council.¶

Deleted: **Subdivision D. PENALTY**

Deleted: Using or claiming sick leave for a purpose not authorized by Subdivision B may be cause for disciplinary action.

Deleted: **Subdivision E. ACCRUAL DURING LEAVE**¶

For the purpose of accumulating additional vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working.

Deleted: **Subdivision F. APPLICABILITY TO LEAVE BENEFITS**¶

During the probationary period following an original appointment, an employee is not entitled to sick leave or vacation leave. After the end of the probationary period, an employee is entitled to { ... [1]

207.11. LEAVES WITHOUT PAY

The Council may grant any permanent employee a leave of absence without pay for a period not exceeding 90 days except that it may extend such leaves to a maximum period of one year and in case the employee is disabled or where extraordinary circumstances, in its judgment, warrants such extension. No vacation or sick leave benefits shall accrue during a leave of absence without pay.

207.12. JURY OR WITNESS DUTY

When an employee performs jury duty or is subpoenaed as a witness in court of voluntarily serves as a witness in a case in which the City is a party, the employee is entitled to compensation from the City equal to the difference between his regular pay and the amount received as a juror or witness.

207.13. REST PERIODS AND HOLIDAYS

Subdivision A. REST PERIODS

Every regular employee, when working under conditions where a break period is practicable, shall be granted a 15 minute break period in each half of the employees shift. Each department head shall schedule rest periods so as not to interfere with the work requirements.

Subdivision B. HOLIDAY COMPENSATION AND WORK POLICY

POLICY - City government operates 24 hour a day, 7 days a week. Employees may be required to work holidays and weekends to proceed municipal services. Some positions in the City of Cokato may require employees to work regularly on weekends and holidays.

HOLIDAY PAY - Employees that are required to work on holidays will receive pay for the holidays provided they work their regularly scheduled work day before and after the holidays unless absence with excuse is acceptable with the approval of the Department Head. When computing over time pay, time off for a holiday will be considered as time worked.

WORK ON HOLIDAYS - Employees who are scheduled to work on a holiday and fail to work as scheduled, will not be eligible for holiday pay and may be subject to disciplinary action. Salaried non-exempt and hourly paid employees who are required to work on holidays shall in addition to his or her regular pay receive time and a half for the day worked. Salaried exempt employees who are required to work on holidays will be granted compensatory time for the hours worked.

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PART TIME EMPLOYEES - Regular part-time employees receive pro-rated holiday pay, based on their actual hours worked.

HOLIDAYS OBSERVED - Subject to operating requirements, the City's paid holidays are:

- New Year Day January 1st
- Martin Luther King Day 3rd Monday in January
- Presidents Day 3rd Monday in February
- Memorial Day Last Monday in May
- Independence Day July 4th
- Labor Day 1st Monday in September
- Columbus Day 2nd Monday in October
- Thanksgiving 4th Thursday in November
- Thanksgiving Friday after Thanksgiving*
- Christmas Eve December 24 (Close at noon)
- Christmas Day December 25

*in lieu of Veterans Day

If a designated holiday falls on Saturday, it will be observed on the preceding Friday. If a designated holiday falls on Sunday, it will be observed on the following Monday. If Christmas falls on Saturday, both the preceding Thursday and Friday shall be holidays; if Christmas falls on a Sunday, both the preceding Friday and the following Monday shall be holidays. If Christmas falls on a Monday, the preceding Friday shall be a holiday.

The City of Cokato, as an employer, will make reasonable accommodations for other religious practices or beliefs not included in the preceding list of holidays. Employees requesting this accommodation may exchange an official holiday, take compensatory time off, vacation time, or time off without pay.

PROCEDURES -.Employees requesting accommodation for time off for religious practices not recognized as an official holiday should make arrangements with their supervisor or department head. Requests should be made at least ten (10) working days in advance to that work schedules can be arranged.

207.14. RESIGNATION

Any employee wishing to leave the municipal service in good standing except for mandatory retirement under Section 207.18 shall file with his department head, at least fourteen days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment by the City and denying terminal leave benefits. Unauthorized absence from work for a period of three working days may be considered by the department head as a resignation without such benefits.

207.15. GRIEVANCE POLICY

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. When any employee grievance comes to the attention of a supervisory employee, the supervisor shall discuss all relevant circumstances with the employee, and his representative if he so desires, consider and examine the cause of the grievance, and attempt to receive it to the extent that he has the authority to do so. If the grievance is not dealt with satisfactorily at that level, the grievance may be carried up to the next higher administrative level, including the Council.

207.16. LAYOFFS

After two weeks notice to the employee, the Council may lay off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. No permanent or probationary employee shall be laid off while there is a temporary employee serving in the same class of position for which the permanent or probationary employee is qualified, eligible, and available.

207.17. DISCIPLINE

Subdivision A. IN GENERAL

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the Council. It is the policy of the City to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause and the employee may demand a hearing or use the grievance procedure of Section 207.15 with respect to any disciplinary action which he believes is either unjust or disproportionate to the offense committed. The supervisor or department head

Deleted: The following calendar days and such other days as the Council may fix are paid holidays:¶
<#>New Years Day¶
<#>Martin Luther King, Jr. Day¶
<#>Presidents Day¶
<#>Memorial Day¶
<#>Independence Day¶
<#>Labor Day¶
<#>Columbus Day¶
<#>Veterans Day, or the day following Thanksgiving at the employee's option.¶
<#>Thanksgiving Day¶
<#>Christmas Day¶
¶
All employees in regular positions are entitled to time off with full pay and holidays. The City Hall shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions require. An employee required to work on a holiday shall receive another day off within 30 days thereafter as the department head determines unless consideration is given to this factor in determining work schedules. When New Years Day, Independence Day, or Christmas Day falls on Sunday, the following Monday is a paid holiday, and if any such day falls on Saturday, the preceding Friday is a holiday. Each holiday commences at the beginning of the first shift on the day in which the holiday occurs and continues for twenty four hours thereafter. Eligible employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday. In addition to meeting the foregoing criteria, part time employees are entitled to pay and a holiday only if they would normally be scheduled to work on the day of the work designated as the holiday and they shall be paid only for the number of hours they would have worked.

shall investigate any allegations on which disciplinary action might be based before any disciplinary action is taken.

Subdivision B. DISCIPLINARY ACTION STEPS

Except for severe infractions, disciplinary action against any employee shall be progressive and follow the steps listed below in numerical order:

1. Oral Reprimand.
2. **Written Reprimand.** A written reprimand shall state the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the supervisor to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement where appropriate; and outline future penalties should the problem continue. The employee shall be given a copy of the reprimand and sign the original acknowledging that he has received the reprimand. The signature of the employee does not mean that he agrees with the reprimand. The reprimand shall be placed in the City's file on the employee but shall be removed from the file after one year from the date of issuance if there has been no subsequent reprimand and no other disciplinary action has been instituted.
3. **Suspension Without Pay.** Prior to the suspension or soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. Upon the employee's return to work, he shall be given a written statement outlining further disciplinary actions should the misconduct continue. An employee may be suspended pending investigation of an allegation. A copy of each written statement shall be placed in the employee's personal file, but if the suspension is for investigation and the allegation proves false, the statement shall be removed and the employee shall receive any compensation to which he would have been entitled had the suspension not taken place.
4. **Dismissal.** The Council may dismiss any employee after the employee is given a notice in writing at least five work days before the effective date of the dismissal. The notice shall contain the reasons for the dismissal; the employee's rights under these rules and the Veterans Preference Law, if he is a veteran; and a statement indicating that the employee may respond to the charges both orally and in writing and that he may appear personally before the official having authority to make or recommend the final decision.

Subdivision C. OTHER DISCIPLINARY ACTIONS

The following other disciplinary actions may be taken against the employee after steps 1 and 2 above have been followed:

- **Involuntary Demotion.** This step shall be taken only if the employee does not have the ability to function at the higher level.
- **Force Transfer to a Comparable Position Under a Different Supervisor.** This step may be taken only if the problem is due to personal incompatibility between the supervisor and employee.
- **Withholding a Salary Increase or Decreasing The Employee's Salary.** The employee shall be notified in writing of the action and the reason therefore. A copy of the notice shall be placed in the employee's file. In no case shall an employee's salary be decreased below the minimum of the salary range of the class.

Subdivision D. HEARING

In any case of suspension, dismissal, or demotion, the employee shall be granted a hearing before the Council if the employee submits a written request for such hearing to the Council within five working days of notification of the action taken. The hearing shall be held within ten working days from the date the request is filed unless the City and the employee agree on an earlier or later date. If the disciplinary action involves the removal of a veteran, the hearing shall be held in accordance with Minnesota Statutes, Section 197.46.

207.18. RETIREMENT POLICY

Subdivision A. GENERAL RULE

Every appointed employee of the City shall automatically be retired upon reaching the age of 65 years, except as provided in Subdivision B.

Subdivision B. LIMITATIONS

Any employee who is over 60 years of age on January 1, 1977, may continue in the City's service until January 1, 1987, or until reaching age 70, whichever is earlier, but this provision does not require retirement before age 65.

Subdivision C. RETENTION AFTER AGE 65

If the Mayor finds that the interest of the City will be best served by allowing a person to remain in the employ of the City after reaching 65 years of age because his services are especially needed or his replacement would be especially difficult,

he may recommend to the Council no later than 60 days before the employees retirement date that the employee be retained after his 65th birthday. Unless the Council disapproves such retention within three weeks after receipt of the recommendation of the Mayor, the Mayor may continue the employment of such person for one year. Any such employee may be retained for successive one year periods until reaching the age of 70 upon the annual recommendation of the Mayor and approval of the Council.

207.19. UNLAWFUL ACTS

Subdivision A. FALSIFICATION OF RECORDS

No person shall knowingly make any false statement, certificate, mark, reading or report in regard to any test, certificate, or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of Part 7.

Subdivision B. RENDERING OF CONSIDERATION

No person seeking employment to or promotion in the municipal service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, or on account of or in connection with his test, appointment, or promotion, or proposed appointment or promotion.

Subdivision C. DISCRIMINATION

No person shall be employed, promoted, demoted, or discharged by the City or in any way favored or discriminated against because of political opinions or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance or disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes, Sections 179.61 to 179.76. No person who is between 40 and 65 years of age shall be discriminated against with reference to City employment in any way forbidden by Federal law.

207.20. OFFICIALS UNDER WORKMAN'S COMPENSATION ACT

Pursuant to Minnesota Statutes, Section 176.011, Subdivision 9, the elected officials of the City and those municipal officers appointed for a regular term of office are hereby included in the coverage of the Minnesota Workman's Compensation Act.

207.21. DRUG FREE WORKPLACE

1. The City of Cokato hereby certifies that it will maintain a drug free workplace by prohibiting employees from engaging in the unlawful manufacture, sale, distribution, possession, or use of controlled substances.
2. City employees are to be advised of the dangers of drug abuse, the penalties for violations on the job, and the availability of drug counseling and rehabilitation programs.
3. Any employee found to be unlawfully purchasing, selling, transferring, distributing, possessing, or manufacturing drugs or chemicals while on the job will be prosecuted to the fullest extent of the law, in addition to disciplinary action up to and including discharge. Any criminal conviction resulting from such on the job misconduct must be reported to the City Administrator by the convicted employee within five (5) days of such conviction. The City Administrator is obliged to report such conviction to the relevant Federal grantor within ten (10) days of receiving such notice. In all such cases, appropriate personnel action shall be taken within thirty (30) days of such notice, if not already accomplished.

207.22 SEXUAL HARASSMENT POLICY

It is the policy of the City of Cokato to abide by the federal and state laws which prohibit sexual harassment and to maintain an employment atmosphere free of sexual harassment, intimidation or coercion. Sexual harassment undermines the integrity of city officials, employees and the city as a whole. The City of Cokato is committed to maintaining a productive working environment free of all discrimination. In pursuit of this commitment, the city will not tolerate any form of sexual harassment against its employees at their work place by any persons doing business with the city. All employees shall treat their co-workers, subordinates and supervisors with respect at all times.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct or communication of a sexual nature when:

1. Submission to such conduct is made wither implicitly or explicitly as a term or condition of an individuals employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting that individual's employment;
3. Such conduct has a purpose or effect of substantially or interfering in an individual's work performance or creating an intimidating, hostile or offensive working environment

Subtle or overt behavior which constitutes sexual harassment includes but is not limited to :

4. Verbal harassment (epithets, derogatory remarks, or slurs)
5. Physical harassment (gestures, assault, impeding or blocking movement or any physical interference with normal work or movement;
6. Visual forms of harassment (derogatory posters, letters, poems, graffiti, cartoons or drawing; and
7. Requests for sexual favors or unwanted sexual advances.

Any employee who feels that he or she is being subject to sexual harassment in any form, or who believes he or she has witnessed sexual harassment, is encouraged to contact his or her supervisor, the City Administrator or designee immediately.

Any official or employee who is found to have been the perpetrator of sexual harassment will be disciplined in accordance with 207.18 of the personnel policy. Any official or employee found to have made a false complaint of sexual harassment shall also be subject to disciplinary action.

Part 8 Abandoned Property

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208.01. ABANDONED MOTOR VEHICLES

Subdivision A. IMPOUNDMENT AND SALE

The City Police Department (or contracted force) shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 168B.02, Subdivision 2. It shall give notice of the taking as provided by law and if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks published notice.

Subdivision B. SUMMARY ACTION IN CERTAIN CASES

When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision A and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 168B.01 to 168.13.

Subdivision C. DISPOSITION OF PROCEEDS

The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

208.02. OTHER ABANDONED PROPERTY

Subdivision A. PROCEDURE

All other property lawfully coming into possession of the City shall be disposed of as provided in this section.

Subdivision 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 and privately owned facilities.

Subdivision 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.

Subdivision 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 after two weeks published notice setting forth the time and place of the sale and the property to be sold.

Subdivision 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 shall be paid the proceeds of the sale of his property less the cost of storage and the proportionate part of the cost of published notice and other costs of the sale.

Part 9 Library-Museum Board

Repealed - 6/ 5/83

Part 10 Park Board

210.01. ESTABLISHMENT OF BOARD

A Park Board for the City of Cokato is hereby established. The Board shall be the Park Board authorized by Minnesota Statutes, Section 412.501.

210.02. COMPOSITION

Subdivision A. MEMBERSHIP

The Park Board shall consist of five members. The City Administrator and Dassel-Cokato School District Community Education Director shall be members ex-officio without voting privileges. The City Council shall select one member of the Board from its own membership. The other four members shall be appointed and may be removed by the Council.

Subdivision B. TERMS, VACANCIES, OATH

The terms of ex-officio members shall correspond to their respective official tenures. The term of the member appointed from the City Council shall be for a period of one year. The terms of all other members shall be for a period of three years. Members of the Board shall hold office until their successors are appointed. Vacancies during the term shall be filled by the Council for the un-expired portion of the term. Every appointed member shall, before entering upon the discharge of his duties, taken an oath that he will faithfully discharge the duties of his office.

Subdivision C. COMPENSATION

Members of the Park Board shall serve without pay, but may be reimbursed for actual expenses accrued in the discharge of their official duties.

210.03. ORGANIZATION, MEETINGS, ETC

Subdivision A. OFFICERS

The Board shall elect a chairperson from among its appointed members for a term of one year; and the Board may create and fill such other offices as it may determine.

Subdivision B. MEETINGS

The Board shall hold one regular meeting per month on the fourth Thursday of each month at 7:30 p.m. at City Hall. Special meetings may be called by the chairperson or by any two Board members upon 24 hours written notice. All meetings of the Board shall be open to the public.

Subdivision C. QUORUM, VOTING

Three 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.

Subdivision D. RECORDS, REPORTS

The Board shall keep a record of its transactions, recommendations, and resolutions, which record shall be a public record. The Board shall make monthly reports of its activities to the City Council. On or before February 15 of each year the Board shall submit to the City Council a report of its work during the preceding calendar year.

Subdivision E. FINANCES

The Board shall submit a proposed budget for each fiscal year to the City Administrator by July 15 of each calendar year. Expenditures of the Board shall be within amounts appropriated by the City Council.

Subdivision F. BYLAWS

The Board may adopt, and from time to time amend, its own rules of procedure, which rules shall be approved by the City Council.

210.04. POWERS AND DUTIES OF THE BOARD

Subdivision A. RESPONSIBILITIES

The Park Board shall be advisory to the Cokato City Council, the Cokato Planning Commission, and other City agencies, in all matters pertaining to the conduct of the complete program of recreation opportunity within the City of Cokato.

Subdivision B. DUTIES

It shall be the duty of the Board to:

- a. Review proposed and existing recreation programs and advise the City Council of their operation and ways to improve their operation.
- b. Recommend policies to the City Council on matters pertaining to the operation of recreation facilities and programs.
- c. Cooperate and coordinate recreation and other leisure opportunity programs and proposals with other City groups, school groups, community groups and County, State and Federal agencies that have application within the City.
- d. Frequently visit City parks and keep informed of current recreation programs in order to continually review and evaluate the park system development and recreation programming.
- e. Develop and recommend methods to stimulate positive public interest in park and recreation functions.
- f. Develop and recommend feasible methods of discouraging vandalism and destruction of park facilities.
- g. Develop and recommend feasible methods of financing recommended park improvement.
- h. Serve as a forum for the citizens to voice their opinions regarding park and recreation activities and functions.
- i. Encourage dissemination of information to and in coordination with Cokato organizations interested in the park and recreation functions.
- j. Develop and recommend to the City Council, and upon their adoption, monitor the execution of a comprehensive plan and park classification system for the park and recreation function in the City of Cokato, and from time to time make recommendations for any changes it deems necessary.
- k. Review and make recommendations to the City Council on development proposals, consistent with adopted policies, ordinances, regulations and comprehensive plan.
- l. Review and recommend items to be included in the parks and recreation annual budget.
- m. Foster equitable and compatible relationships with neighborhoods and individual citizens as regards park and recreation programs.

- n. Review all preliminary plats presented to the City Council and make recommendations to the Planning Commission and Council on the proposed park areas within each plat.
- o. Review equipment needs of the City parks and playground and make recommendations to the Council on the purchase of said equipment.
- p. Provide a continuing analysis of the ages and interests of the city residents to the end that recreation programs and facilities may be provided that will serve all age and interest groups.
- q. Review all plans or applications submitted to the City that may affect any City natural resource.

Part 11 Medical Clinic Board

Repealed - 11/14/83

Part 12 Volunteer Ambulance Service

212.01. DEFINITIONS

<u>Ambulance</u>	<u>a vehicle that is designed or intended for use in providing transportation of wounded, injured, sick, invalid or incapacitated human beings, or expectant mothers</u>
<u>Attendant</u>	<u>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</u>

212.02. PURPOSE

This ordinance 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.

212.03. 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 a maximum of 18 members, including a director, assistant director, and 3 supervisors.

212.04. ELECTION

The director and assistant director shall be elected annually by the members of the Ambulance Service, subject to confirmation by the City Council. Each shall hold office for one year and until his successor has been duly elected, except that he may be removed by the Council for cause after a public hearing. Ambulance attendants shall be appointed by the members of the Ambulance Service. Ambulance attendants shall continue as members of the Service during good behavior and may be removed by the Council only for cause after a public hearing.

212.05. DUTIES OF DIRECTOR

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 that such rules and regulations are duly executed; and otherwise do and perform with the assistance of such additional personnel as necessary to accomplish the object and aims of this Ordinance.

The Director shall make a report, annually, to the Council at its meeting in August, as to the condition of the equipment and needs of the Ambulance Service. He may submit additional reports and recommendations at any meeting of the Council, and he shall report each suspension by him of a member of the Ambulance Service at the first meeting of the Council following such suspension. He 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 discharge or retention.

212.06. PRACTICE SESSIONS

It shall be the duty of the Director to hold a monthly practice session of at least one hour's duration for the Ambulance Service and give the attendants instruction in approved methods of emergency health care.

212.07. 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.

212.08. AMBULANCE ATTENDANT QUALIFICATIONS

The ambulance attendants shall be able-bodied, not less than eighteen (18) years of age, and must pass satisfactorily a physical examination. They shall possess the 81-Hour Emergency Health Care Certificate or its equivalent, (except that the director may, at his 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.

212.09. COMPENSATION

The members and officers of the Ambulance Service shall receive compensation as determined at the City Council meeting in August of each year.

212.10. ESTABLISHMENT OF RATES

The members of the Ambulance Service 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.

212.11. AMBULANCE FUND ESTABLISHED

It is hereby established and the City Treasurer shall maintain a fund to be known as the "Ambulance Fund", a record of which shall be kept by the City Treasurer.

into which shall be paid all moneys received from the use of the ambulance and from which all disbursements shall be paid.

212.12. 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.

212.13. 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.

212.14. AVAILABILITY OF SERVICE

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

212.15. LICENSING

The ambulance shall possess a valid license issued by the Minnesota State Board of Health.

212.16. 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 or 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 punished by a fine not exceeding \$500 or by imprisonment for a period not exceeding 90 days.

Part 13 Fire Commission

213.01 ESTABLISHMENT OF COMMISSION

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

213.02 COMPOSITION

Subdivision A. 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 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.

Subdivision B. 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 duties, take an oath that he will faithfully discharge the duties of his office.

Subdivision C. COMPENSATION

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

213.03 ORGANIZATION, MEETINGS, ETC

Subdivision A. OFFICERS

The Commission shall elect a chairperson from among its appointed members. The Commission may create and fill such other offices that it may deem necessary.

Subdivision B. MEETINGS

The Commission shall hold one regular meeting per calendar quarter during the first week of said quarter at 8:00 p.m. at City Hall. Special meetings may be called by the chairperson or any two commission members upon twenty-four (24) hour written notice. All meetings of the Commission shall be open to the public.

Subdivision C. QUORUM, VOTING

Three 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.

Subdivision D. 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.

Subdivision E. FINANCES

The Commission shall submit a proposed budget for each fiscal year to the City Administrator eighteen months prior to the beginning of the fiscal year. Expenditures of the Commission shall be within amounts appropriated by the City Council.

213.04 POWERS AND DUTIES OF THE COMMISSION

Subdivision A. 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.

Subdivision B. DUTIES

It shall be the duty of the Commission to:

1. Submit a proposed Fire Department budget to the City Council and township boards for adoption.

2. Review and monitor the adopted Fire Department Budget.
3. Recommend to the City Council proposed amendments to the budget.
4. Recommend policies to the City Council on matters pertaining to the operation of the Fire Department.
5. Report to their respective government units the activities of the Commission and Fire Department.
6. Review proposed capital equipment purchases and make recommendations to the City Council on same.

Part 14 Star Cities Commission

214.01. SHORT TITLE

This ordinance shall be known and may be cited as the "Cokato Star City Commission Ordinance."

214.02. ESTABLISHMENT

A Star City Commission is hereby established to be advisory to the Council and Planning Commission, which Star City Commission shall have the powers and duties hereinafter set forth.

214.03. COMPOSITION

Subdivision A. MEMBERSHIP

The Commission shall consist of five members of the community representing, but not limited to the Chamber of Commerce, Development Corporation, Independent School District Board, Area Board of Realtors, and the general public. The City Administrator shall serve as ex-officio member of the commission.

Subdivision B. TERMS, VACANCIES, OATH

The terms of ex-officio members shall correspond to their respective official tenures. Of the members of the Commission first appointed, three shall be appointed for terms expiring in December 1987 and two shall be appointed for term expiring in December 1988. Upon expiration of said initial terms, future appointees shall serve three-year terms expiring in December of the appropriate year provided. Members of the Commission shall hold office until their successors are appointed. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office.

Subdivision C. COMPENSATION

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

214.04. ABSENCE OF MEMBERS

Absence from three consecutive regular meetings without the formal consent of the Commission shall be deemed to constitute a resignation of a member; and the vacancy thus created shall be filled thereafter by appointment of the City Council for the remainder of the term of the member so deemed to have resigned.

214.05. REMOVAL OF MEMBERS

The Council by a four-fifths vote of its members shall have the authority to remove any member of the Commission from office whenever, in its discretion, the best interest of the City shall be served thereby.

214.06. ORGANIZATION, MEETINGS, ETC

Subdivision A. 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 such other offices as it may desire.

Subdivision B. MEETINGS

The Commission shall hold one regular meeting at least once each month at a time and place selected by a majority of its members. The Chairperson or any two (2) members of the Commission may call a special meeting of the Commission. Written notice of special meetings shall be given to all members at least twenty-four (24) hours in advance. All meeting of the Commission shall be open to the public.

Subdivision C. QUORUM, VOTING

Three 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.

214.07. COMMISSION STAFF

The Commission shall receive the staff services of the City Administrator and approved by the City Council within the means provided by an appropriations made therefore by the City Council.

214.08. 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 report to the City Council of its activities on or before February 15 of each year for the preceding year.

214.09. BYLAWS

The Commission may adopt a set of rules to govern its own meetings and procedures. The rules may be amended from time to time, but only upon notice to all members that the said proposed amendments shall be acted upon at a specified meeting. A majority vote of the Commission shall be required for the approval of the proposed amendment. Such rules and amendments shall be approved by the City Council.

214.10. POWERS AND DUTIES

The Commission shall have the following powers and duties:

1. To confer with and advise the Council and Planning Commission on all matters concerning the industrial and commercial development of the City.
2. To publicize, with the consent of the Council , the industrial and commercial advantages and opportunities of the City.
3. To collect data and information as to the type of industries and commerce best suited to the City.
4. To periodically survey the overall condition of the City from the standpoint of determining whether the City has a community climate for industry and to determine the general receptiveness of the City of particular types of industry.
5. To publicize information as to the general advantages of industrial and commercial development in a community.
6. To cooperate with all industries and businesses in the City and in the solution of any community problems which they may have, and to encourage the expansion, development and management of such industries and business so as to promote the general welfare of the City.
7. To aid the Council and Planning Commission in the proper zoning and orderly development of areas suitable for industrial and commercial development. To develop, compile, coordinate and publicize information such as, but not limited to the following:

- a. Existing industrial and commercial concerns with the City, their addresses, type of business, number of employees and whether each serves local, regional or national markets.
- b. Available industrial and commercial sites including number of acres, approximate price, existing zoning and proximity to trackage and highways.
- c. Available buildings for industrial and commercial operations, including type of building, number of square feet, existing zoning and proximity to trackage and highways. (Minn. State Dept. Form.)
- d. Transportation facilities, including railroads, motor carriers, water transportation, air transportation and highway facilities.
- e. Electric power available.
- f. Fuels available for industrial and commercial use.
- g. Sewage disposal facilities.
- h. Water Supply facilities.
- i. Community facilities such as fire, police and educational.
- j. Recreational facilities.
- k. Going wage rate in the City for trades, skilled, and semi-skilled and white collar workers.
- l. Availability of labor.
- m. General community attitude toward industrial and commercial expansion, development and attraction.
8. To recommend to the Council and Planning Commission policies and particular actions in regards to industrial and commercial expansion development and attraction.
9. To cooperate and use the facilities of the Minnesota Department of Energy and Economic Development's Star Cities Program.

10. To cooperate and coordinate with the Cokato Development Corporation, The Area Board of Realtors and local lending institutions in defining available property and assembling financing packages for commercial and industrial prospects.
11. The Commission shall have the power to appoint subcommittees of a size and nature it may deem necessary and may enlist the aid of persons and/or organizations who are not members of the Commission. The Commission shall have no power to make contracts, levy taxes, borrow money or condemn property, but shall have the full power and responsibility to investigate the necessity and recommend the taking of these and any other actions related to the industrial and commercial development by the Council and all other officers of the City responsible to formulate the terms of and the procedure for taking such action.

214.11. SEVERABILITY

The various sections and provisions of this chapter are severable, in the event any one or more of its sections or provisions shall be found to be invalid or otherwise defective by a Court of competent jurisdiction, such invalidity or defect shall not operate to render other sections or provisions invalid.

Part 15 Economic Development Authority

1. Establishment of EDA. There is hereby established an Economic Development Authority, (hereinafter referred to as the "EDA") which shall consist o members appointed by the City Council from among the residents of freeholders of the City. The EDA may include members of the City Council. The members shall be appointed by the Mayor with the approval of the City Council. Those initially appointed shall be appointed for a term of one (1) and Two (2) year terms.
2. Removal from EDA/Vacancies. A member may be removed by the City Council for inefficiency, neglect of duty or misconduct in office. A member shall be removed only after a hearing before the City Council and in accordance with the provisions of the Act. In the case of a Councilmember appointee, a vacancy is created at the end of the council term of office. For this or any other reason the vacancy will be filled for the balance of the unexpired term. The City Council may set the term of the appointees who are council members to coincide with their term of office.
3. Election of Officers. The EDA may elect a president, vice president, treasurer, secretary and an assistant treasurer, each of which shall perform the duties in the manner specified in the Act on an annual basis. In addition a member may not serve as president and vice president at the same time. The

other offices may be held by the same officer. The offices of secretary and assistant treasurer need not be held by an authority member.

4. Adoption of By-Laws and Rules. The EDA may adopt by-laws and rules to govern its procedures and for the transaction of its business and may keep a record of attendance at its meeting and of resolutions, transactions, findings and determination showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the EDA shall be a public record, except for those items classified by law as non-public data. The EDA may adopt an official seal.
5. Outside Consultants. Subject to approval of the City Council and within limits set by appropriations or other funds made available, the EDA may employ consultants and experts as may be deemed proper and may incur such other expenses as may be necessary and proper of the conduct of its affairs. Members of the Authority may receive fee to be determined by the City Council for their services and may receive necessary travel, per diem and other expenses while on official EDA business.
6. EDA Funding, Fees and Other Income. The City Council shall make available to the EDA funding as necessary for various fees and expenses associated with its work. The EDA shall have authorization to expend all budgeted sums so appropriated and recommend the expenditures of other sums made available for its use from grants, gifts and other sources for activities authorized by this resolution.
7. EDA Functions, Powers and Duties. Except as specifically limited by this Resolution, the EDA shall have all the authority granted it pursuant to the ACT including, in general but not limited to the following:
 - a. The Authority may recommend to the City Council a contract for services of consultants, agents, public accountants and other persons needed to perform its duties, exercise its powers and use the services of the city attorney for legal needs.
 - b. The EDA may create and define the boundaries of economic development districts as authorized by the ACT, study and analyze development needs in the city and may become a limited partner in a partnership whose purpose is consistent with the EDA purpose
 - c. The EDA may recommend to the City Council to issue general obligation bonds and revenue bonds when authorized by the City Council and pledge as security for the bonds the full faith, credit and resources of the City or such revenues as may be generated by projects undertaken by the Authority.
 - d. The EDA may cooperate with or act a agent for the federal or state government of a state public body, or a agency or instrumentality of a

- government or other public body to carry out the powers granted it by the ACT or any other related federal, state or local law in the area of economic development district improvement.
- e. Am EDA may join various industrial/commercial or trade associations, they may serve as a sponsor for events that may contribute to benefit the city's economic development efforts.
 - f. The EDA may also carry out the law on economic development districts including improvement of lands to encourage business expansion. In general, the EDA will use all available powers under the law and perform duties as assigned by the city. The City shall upon request furnish the EDA with information to perform its work. The EDA may, in the performance of official duties, enter upon lands and in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized personnel and shall have such other powers as are required for the performance of official functions.
8. Limitations of Power. The actions of the EDA shall be limited as follows:
- a. The Authority may not exercise any specific powers contained in the ACT, MN. Stat. 462 and 472A without the prior approval of the City Council
 - b. Except when previously pledged by the EDA the City Council may, by resolution, require the EDA to transfer any portion of the reserves generated by activities of the EDA that the City Council determines are not necessary for the successful operation of the EDA to the debt service funds of the City, to be used solely to reduce tax levies for bonded indebtedness of the city.
 - c. The sale of all bonds or obligations issued by the Authority shall be approved by the City Council before issuance and shall follow the budget process for City departments as implemented by the City Council and Mayor.
 - d. All official actions of the EDA must be consistent with the adopted comprehensive plan of the City . They shall submit all planned activities to the City Council for approval.
 - e. The EDA shall submit its annual administrative structure and management practices to the City Council for approval.
9. Levy Taxes
- a. The City may, at the request of the EDA levy a tax in any year.

- b. The Tax shall not be for more than 0.01813 percent of the taxable market value.
 - c. The tax shall not be subject to levy limits.
10. Conflicts with Other Resolutions and Separability of Provisions. All resolutions or portions of resolutions in conflict herewith are repealed. Should any section of this Resolution be held unconstitutional or void, the remaining provisions shall nonetheless remain in full force and effect.
11. Effective Date. This Resolution shall take effect immediately up its adoption as provided in the ACT.