

## TITLE II: ADMINISTRATION

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CHAPTER 20: FORM OF GOVERNMENT

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20.01. FORM OF GOVERNMENT.

A) The City shall operate under the Statutory City Optional Plan A type of government, under M.S. § 412.581, as it may be amended from time to time, with the Administrator/Clerk-Treasurer being appointed by the City Council for indefinite terms.

## CHAPTER 21: CITY COUNCIL

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### 21.01. MEETINGS.

#### A) Regular Meetings.

- 1) Regular meetings of the Council shall be held on the second Monday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the following business day, at the same time and place. All meetings, including special and adjourned meetings, shall be held in the Community Center unless otherwise directed by the Council.
- 2) If any Council meeting is directed by Council to be held in a location other than the Community Center, the Administrator/Clerk-Treasurer shall post a notice in City Hall and at least 2 other locations at least 72 hours prior to the meeting stating the time, location and purpose of the meeting.

#### B) Special Meetings

- 1) Special meetings may be called by the Mayor or by any two members of the City Council upon at least 72 hours notice to each member of the City Council. Each member shall be notified either by sending them an email or attempting to contact them by phone.
- 2) Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. The Administrator/Clerk-Treasurer shall post notice of a special meeting at least 72 hours before the meeting. The appearance at any special meeting by the Mayor or Council member shall constitute a waiver by that person of any deficiency in the notice.

#### C) At the first regular Council meeting in January of each year the Council shall:

- 1) Designate the depository of the City funds;
- 2) Designate the official newspaper;
- 3) Choose an Acting Mayor from the Council who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of

vacancy in the Office of Mayor, until a successor has been appointed and qualifies; and

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

D) All Council meetings, including special and adjourned meetings, shall be open to the public, except as may be otherwise provided by law.

E) All Council meetings shall follow the most current version of Roberts Rules of Order.

#### 21.02. STUDENT LIASON.

A) The City Council may appoint a Student liaison to provide input for the City Council. The student will receive notice and be allowed to speak like any other member of the City Council but will not have a vote. The student does not have to meet the age requirement for the City Council.

B) If the City Council decides to appoint a student liaison, the student liaison will serve at the pleasure of the City Council for as long as the City Council chooses. The student liaison may be removed or replaced at any time for any reason.

#### 21.03. MAYOR; DUTIES.

A) The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Acting Mayor shall preside.

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

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

D) Except as otherwise provided by law or this section, the Presiding Officer shall not be deprived of any of the privileges of a Council member by reason of his or her acting as Presiding Officer, including the power to move, second and debate from the chair.

#### 21.04. MINUTES.

A) Minutes of each Council meeting shall be kept by the Administrator/Clerk-Treasurer, or, in his or her absence, by the designate of the Council. Ordinances, resolutions and claims shall be referenced in the minutes.

B) Approval

- 1) The minutes of each meeting shall be reduced to typewritten form and shall be signed by the Administrator/Clerk-Treasurer and the Mayor. At the next regular Council meeting, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but any council member may call for any additions or corrections.
- 2) If there is no objection to a proposed addition or correction, it may be made without a vote of the Council.
- 3) 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.

21.05. AGENDA.

A) Preparation of Agenda

- 1) An agenda of the business and claims for each regular Council meeting shall be prepared by the Administrator/Clerk-Treasurer for the meeting.
- 2) Any person wishing an item to be placed on the agenda to be considered by the Council must fill out a request for council action form and provide it to the Administrator/Clerk-Treasurer setting forth his or her request, by 12:00 p.m. on the Tuesday prior to the regular Council meeting.

B) By majority vote of the members of the Council in attendance at the regular scheduled meeting, additional business may be added to the agenda for consideration at the meeting in session.

21.06. QUORUM AND VOTING.

A) At all Council meetings, a majority of the Council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

B) Voting

- 1) The votes of members on any question pending before the Council will be by roll call vote. If the vote is not unanimous the names of those voting against the questions and those abstaining shall be recorded in the minutes.
- 2) If any member, being present, does not vote, the minutes shall note it.

C) A majority vote of all members of the Council shall be necessary for approval of any ordinance. Except as otherwise provided by statute, a majority of those voting shall prevail in all other cases.

21.07. ORDINANCES, RESOLUTIONS AND MOTIONS.

A) Every ordinance and resolution shall be presented in writing. An ordinance or resolution shall be read in full only at the request of the Mayor or a member of the Council.

All motions shall be stated in full before they are submitted to a vote by the Presiding Officer. They shall then be recorded by title in the minutes by the Administrator/Clerk-Treasurer.

B) Every ordinance passed by the Council shall be signed by the Mayor and attested by the Administrator/Clerk-Treasurer. Every ordinance shall be incorporated into the text or appendices of the code with the original passed version of the ordinance retained in an ordinance book.

C) Repeal and Amend.

- 1) Every ordinance repealing a section of the City Code shall give the chapter and section number of the code or ordinance to be repealed.
- 2) No ordinance or resolution or section thereof shall be amended by reference to title alone, but an amending ordinance or resolution shall set forth in full each chapter or section to be amended.

#### 21.08. COMPENSATION.

A) The salary of the Mayor and Council Members, as amended by the Council by Ordinance from time to time, shall be as follows:

- 1) The sum of \$125.00 shall be paid to the Mayor for each month.
- 2) The sum of \$100.00 shall be paid to Council Members for each month.
- 3) The sum of \$50.00 per day shall be paid to the Mayor and Council Members for conferences, workshops and training in excess of 4 hours.

B) The Mayor or Council members shall submit written claims to the Administrator/Clerk-Treasurer for compensation for all meetings other than regular Council meetings.

#### 21.09. ADMINISTRATIVE SPENDING.

A) The City Administrator and Public Works Director shall each have the authority to make or let purchases and contracts when the amount thereof does not exceed \$2,000.00.

B) In the event of an emergency the City Administrator and the Public Works Director shall each have the authority to expend any funds they deem necessary. After any such funds have been spent the City Administrator and Public Works Director shall report on the spending to the City Council as soon as possible.

## CHAPTER 22: EMERGENCY MANAGEMENT

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### 22.01. POLICY AND PURPOSE.

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

- 1) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters;
- 2) To provide for the exercise of necessary powers during emergencies and disasters;
- 3) To provide for the rendering of mutual aid between the City and other political subdivisions with respect to the carrying out of emergency preparedness functions;
- 4) To comply with the provisions of the Wright County Emergency Operations Plan, as it may be amended from time to time; and
- 5) To review and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this chapter and the Wright County Emergency Operations Plan, as it may be amended from time to time.

### 22.02. DEFINITIONS.

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

- 1) COUNTY EMERGENCY MANAGEMENT PREPAREDNESS PLANNING AND REVIEW COMMITTEE. A committee made up of the county's Emergency Management Directors which develops, renews and establishes a

basic emergency plan and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this chapter.

- 2) **DISASTER.** A situation which creates an immediate and serious impairment to the health and safety of any person or situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.
- 3) **EMERGENCY.** An unforeseen combination of circumstances which calls for immediate action to respond or to prevent from developing or occurring.
- 4) **EMERGENCY MANAGEMENT.** The preparation for and the carrying out of all emergency functions, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as **CIVIL DEFENSE** or **EMERGENCY PREPAREDNESS FUNCTIONS**.
- 5) **EMERGENCY MANAGEMENT FORCES.** The total personnel resources engaged in City level emergency management functions in accordance with this chapter or any rule or order thereunder. This includes personnel from City departments, authorized volunteers and private organizations and agencies.
- 6) **EMERGENCY MANAGEMENT MUTUAL AID.** Any disaster or major incident which requires the dispatching of City personnel, equipment or other necessary resources within or without the City limits.
- 7) **EMERGENCY MANAGEMENT ORGANIZATION.** The staff element responsible for coordinating City level planning and preparation for disaster response. The **ORGANIZATION** provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid and other projects consistent with this chapter and assures implementation of federal, state, county and other program requirements.
- 8) **MAJOR INCIDENT.** Any incident which exhausts local resources.

#### 22.03. EMERGENCY MANAGEMENT ORGANIZATION; ESTABLISHMENT.

A) There is hereby created, with the City government, the Emergency Management Organization which shall be under the supervision and control of the Emergency



Management Director (Director). The Director shall be appointed by the Mayor; the appointment being brought to the City Council at the next regular meeting after the appointment for final approval or denial. The position of Director of Emergency Management shall be reviewed and either re-affirmed or replaced at the first City Council meeting of January on a yearly basis.

B) Replacement and Responsibility.

- 1) The Director of Emergency Management may be replaced at other times on a showing of ineffective leadership or failure to carry out duties, as defined. This procedure would follow the same criteria as the appointment process.
- 2) The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

22.04. DIRECTOR; DUTIES AND POWERS.

A) The Director shall represent the City on any regional or state conference for emergency management. The Director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted and shall present the agreements to the City for its action. The arrangements shall be consistent with the emergency plan.

B) The Director shall make assessments of personnel, businesses and industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.

C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present the plan to the City for its approval. When the Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City, to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the basic emergency management activities of the City to the end and they shall be consistent and fully integrated with the basic emergency plan of the County Emergency Management, Preparedness Planning and Review Committee and federal and state governments.

D) In accordance with the emergency plan, the Director shall institute the training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the emergency plan when a disaster, major incident or mutual aid occurs.

E) Other Departments Cooperation.

- 1) The Director, during an emergency, major incident or mutual aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and

personnel of all departments and agencies shall be, to the maximum extent practicable, cooperative with and extend the services and facilities to the Emergency Management Organization.

- 2) The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of the emergency activities as will involve the utilization of the facilities of the department or agency.

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

G) The Director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.

H) The Director shall prepare and submit the reports on emergency preparedness activities as may be requested by the governing authority.

## 22.05. LOCAL EMERGENCIES.

### A) Declaration.

- 1) A local emergency, including a disaster, major incident or mutual aid response, may be declared by the Mayor or his or her successor or by the Interim Emergency Council as detailed under this Section. It shall not be continued for a period in excess of three days, except by or with the consent of the government board of the political subdivision.
- 2) Any order or proclamation declaring, continuing or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local record keeping agency of the subdivision.

B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures which are consistent with this chapter.

C) No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

### D) Interim Emergency Succession.

- 1) Purpose. Due to the existing possibility of disasters, it is found urgent and necessary to insure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

- 2) Succession to Local Offices. In the event of a disaster affecting the vicinity of the City, the Director of Emergency Management shall call a meeting of the City government by notifying the Mayor, Council and Administrator to gather at the City Hall. If the Director is unable to call the meeting, any other member of the City government or the City staff may call the meeting. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:
  - a) By majority vote of those persons present, regardless of number, they shall elect a Chairman to preside and Secretary to keep minutes.
  - b) They shall review and record the specific facts relating to the disaster and injuries to persons or damage to property already done or imminent.
  - c) They may, based on such facts, declare a state of emergency.
  - d) By majority vote of those persons present, regardless of number, they shall fill all positions on an Interim Emergency Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.
  - e) Such interim successors shall serve until such time as the duly elected official is again available and returns to their position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.
- 3) Duties of the Interim Emergency Council. The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

#### 22.06. EMERGENCY REGULATIONS.

A) Whenever necessary to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Council may, by resolution, promulgate regulations consistent with the applicable federal or state laws or regulations, respecting the conduct of persons and the use of property during emergencies, the repair, maintenance and safeguarding of essential public services, emergency health, fire and safety regulations, drill or practice periods required for preliminary training and all other matters which are required to protect safety, health and welfare in declared emergencies.

#### B) Resolution of Regulations

- 1) Every resolution of emergency regulations shall be in writing, shall be dated, shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Administrator/Clerk-Treasurer, which shall be kept posted and available for public inspection during business hours.

- 2) Notice of the existence of the regulation and its availability for inspection at the Administrator/Clerk-Treasurer's Office, shall be conspicuously posted at the front of the City Hall or at other places in the affected area, as the Council shall designate in the resolution.
  - 3) By like resolution, the Council may modify or rescind any regulation.
- C) Rescission or Suspension of Regulations.
- 1) The City Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first.
  - 2) Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council, shall be suspended during the time and to the extent the conflict exists.
- D) Director's Powers.
- 1) During a declared emergency, the Director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within the corporate limits of the City, to enter into contracts and incur obligations necessary to the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of the disaster.
  - 2) The Director may exercise powers in the light of the exigencies of the disaster without compliance with the time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids and requirements for budgets. The Director will however, use those individuals and entities listed in the emergency plan first, if at all possible.
- E) Accurate records of all paid staff and volunteers, including manpower, hours and money spent or contracted for, must be kept and forwarded to City Hall by the Director.

#### 22.07. GOVERNMENTAL FUNCTION.

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

## 22.08. PARTICIPATION IN LABOR DISPUTES OF POLITICS.

A) The Emergency Management Organization shall not participate in any form of political activity nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The Director may express professional opinions on legislative or other legal regulations consistent with the areas found in the Wright County Emergency Operations Plan, as it may be amended from time to time.

## 22.09. DISPATCH AND CITY EQUIPMENT AND SERVICES; MUTUAL AID.

A) The City finds it desirable and necessary to authorize the Director to dispatch City equipment and personnel to local communities who request aid to combat their emergency, disaster or major incident consistent with this chapter.

B) The Director shall evaluate the internal needs of the City and dispatch appropriate available aid. The Director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists or earlier when it appears in the best interest of the City.

C) The Director shall be fully authorized as an act of the City and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, worker's compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as if specifically authorized and directed at the time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement with the City.

## CHAPTER 23: COMMISSIONS AND DEPARTMENTS

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### 23.01. PLANNING COMMISSION.

#### A) Commission and Members.

- 1) A Planning Commission for the City is hereby continued. The Planning Commission shall consist of members as are appointed by the City Council.
- 2) Terms shall be staggered so that no more than one-half of the members' terms expire at one time. Both the original and successive appointee shall hold their respective offices until their successors are appointed and qualified. Vacancies during the term shall be filled in the same manner as the original appointments are made for the unexpired portion of the term vacated.
- 3) Every appointed member shall, before entering upon the discharge of his or her duties, have taken an oath that he or she will faithfully discharge the duties of his or her office.
- 4) To be eligible to be a member of the Planning Commission a person must be a resident of the City of Montrose and an eligible voter in the State of Minnesota.
- 5) The City Council may appoint a Student liaison to be a member of the Planning Commission. The student will receive notice and be allowed to speak like any other member of the Planning Commission but will not have a vote. The student does not have to meet the age requirement for the Planning Commission. If the City Council decides to appoint a student liaison, the student liaison will serve at the pleasure of the City Council for as long as the City Council chooses. The student liaison may be removed or replaced at any time for any reason.

#### B) Meetings and Officers.

- 1) The Commission shall establish regular meeting dates.
- 2) Special meetings may be called by any two members of the Commission upon at least 72 hours notice to each member of the Commission. Each member shall be notified either by sending them an email or attempting to contact them by phone.
- 3) The Commission shall select the Chairperson, Vice-Chairperson and Secretary from its membership, who shall serve for terms of two years, beginning January 1. Each position shall be approved by the City Council.

#### C) Removal of a commission member

1) The Planning Commission may recommend to the City Council that a Commission member or ex-officio member be removed from the Commission for misconduct or neglect of duties. This includes, but is not limited to, inappropriate conduct at public meetings or conduct not becoming an appointed official of the City of Montrose. The Planning Commission's authority to recommend such removal does not supersede the City Council's authority to remove a Commission member at any time for any reason.

2) The Council may remove any Commission member prior to the end of a term only by a two-thirds vote of the Council.

3) Any letter of reprimand from administration or council must have prior council approval.

D) The Commission shall have the duties as assigned in this section, by statute and any other ordinance code provision of the City.

E) Quorum and Minutes.

1) Meetings shall be held as needed, as called by the Zoning Administrator, or as set by the Council. Fifty-one percent shall constitute a quorum.

2) Minutes of each meeting shall be kept and filed in the office of the Administrator/Clerk-Treasurer.

F) Commission members shall be compensated for each meeting attended. The salary shall be payable on an annual basis and shall be set by resolution from time to time. Commission members shall submit written claims for compensation to the Administrator/Clerk-Treasurer annually following the Commission's last meeting held in December of each year.

G) The Mayor shall appoint a Council member to serve as an ex-officio member to the Commission, privileged to speak on any matter, without a vote, who shall provide a liaison between the Commission and the Council.

## 23.02. PARKS AND RECREATION COMMISSION.

A) There is hereby created the Parks and Recreation Commission.

B) Scope and Purpose.

1) The scope of the activity of the Commission shall consist of advising the Council and other City advisory commissions regarding matters relevant to the parks and recreation functions of the City.

2) The general purpose of the Commission is to monitor and reflect the attitudes and concerns of the citizens of the City relative to the parks system and recreational

programs and to advise the Council of Citizen Attitudes and Policy Matters relevant to the parks and recreation functions in the City.

C) The responsibilities of the Commission shall be to:

- 1) Develop and recommend to the Council, and upon their adoption, monitor the execution of a comprehensive plan and park classification system for the parks and recreation functions in the City and from time to time, make recommendations for any changes it deems necessary;
- 2) Annually report to the Council regarding achievements toward fulfillment of the comprehensive plan and recommended amendments;
- 3) Frequently visit City parks and keep informed of current recreation programs in order to continually review and evaluate the parks system development and recreation programming;
- 4) Develop and recommend methods to stimulate positive public interest in parks and recreation functions;
- 5) Develop and recommend feasible methods of discouraging vandalism and destruction of park facilities;
- 6) Develop, recommend and execute feasible methods of financing recommended park improvements;
- 7) Serve as a forum for the citizens of the City to voice their opinions regarding parks and recreation activities and functions;
- 8) Promote coordination with the school district serving the City, encouraging the interchangeable use of City and school district facilities and programs to the best interest of citizens;
- 9) Encourage dissemination of information to and coordination with City organizations interested in the park and recreation functions such as garden clubs, athletic groups, civic organizations and the like;
- 10) Encourage coordination with the other communities and agencies to the extent appropriate in matters pertinent to the parks and recreation functions;
- 11) Develop and transmit recommended capital improvements annually to the Council for inclusion in the capital improvements program;
- 12) Review and make recommendations so the Council can develop proposals consistent with adopted policies, ordinances, regulations and the comprehensive plan; and
- 13) Review and recommend items to be included in the parks and recreation annual budget.



D) Members of the Commission shall be appointed by the City Council for staggered terms of three years, except that any person, appointed to fill a vacancy occurring prior to the expiration of the term to which his or her predecessor was appointed shall be appointed only for the remainder of the term. Upon expiration of his or her term of office, the member shall continue to serve until his or her successor is appointed.

E) Members of the Commission shall be residents of the City and eligible voters in the state of Minnesota while serving on the Commission and shall represent as broad a range as possible of interests in the parks and recreation functions.

F) The City Council may appoint a Student liaison to be a member of the Commission. The student will receive notice and be allowed to speak like any other member of the Commission but will not have a vote. The student does not have to meet the age requirement for the Commission. If the City Council decides to appoint a student liaison, the student liaison will serve at the pleasure of the City Council for as long as the City Council chooses. The student liaison may be removed or replaced at any time for any reason.

G) The Commission shall select a Chairperson, Vice-Chairperson and Secretary from its membership, who shall serve for terms of one year, beginning January 1 of each year. Each position shall be approved by the City Council.

H) The Chair shall assure fulfillment of the following responsibilities in addition to those otherwise described.

- 1) Preside over meetings of the Commission;
- 2) Appear or appoint a representative to appear as necessary before other City advisory commissions and the Council to present the viewpoint of the Commission on matters pertaining to parks and recreation functions as they relate to business under consideration by the Commissions or Council;
- 3) Review all Council, Planning Commission and other advisory commission minutes and inform the Parks and Recreation Commission of matters therein relevant to the parks and recreation functions; and
- 4) Provide the liaison with other governmental and volunteer units in matters relating to the parks and recreation functions for the purpose of obtaining and providing timely information.

I) Vacancy and Oath.

- 1) The Parks and Recreation Commission may recommend to the City Council that a Commission member or ex-officio member be removed from the Commission for misconduct or neglect of duties. This includes, but is not limited to, inappropriate conduct at public meetings or conduct becoming an appointed official of the City of Montrose. The Park and Recreation Commission's authority to recommend such removal does not supersede the City Council's authority to remove a Commission member at any time for any reason.

2) The Council may remove any Commission member prior to the end of a term only by a two-thirds vote of the Council.

- 3) Any letter of reprimand from administration or council must have prior council approval.
- 4) Vacancy in the Commission shall be filled by appointment by the City Council.
- 5) Each member shall, before entering upon the disposition of his or her duties, take an oath that he or she will faithfully perform the duties of the office.

J) Commissioners shall be compensated for each meeting attended. The salary shall be payable on an annual basis and shall be set by resolution from time to time. Commission members shall submit written claims for compensation to the Administrator/Clerk-Treasurer annually for monthly meetings following the Commission's last meeting held in December of each year.

K) The Commission shall adopt the rules and procedures not inconsistent with these provisions as may be necessary for the proper execution and conduct of business.

L) Meetings.

- 1) The Commission shall hold regular monthly meetings at the City Hall or another posted location, the meeting time and day to be established by the Commission at its first meeting in January of each year.
- 2) Official minutes of each meeting shall be kept by the designated member and filed in the Office of the Administrator/Clerk-Treasurer.

M) The Mayor shall appoint a Council member to serve as an ex-officio member to the Commission, privileged to speak on any matter, without a vote, who shall provide a liaison between the Commission and the Council.

### 23.03. FIRE DEPARTMENT.

A) For the proper protection of the lives and property of the City, there is hereby organized a volunteer fire department to be known as the Montrose Fire Department.

B) The Department shall consist of not less than ten firefighters and not more than a number equal to 10% of the area served by the Fire Department.

C) Officers.

- 1) The officers of the Department shall be the Chief and First and Second Assistant Chief and Training Officer.

- 2) The Chief shall be appointed annually by the City Council at the first meeting held in January. The First and Second Assistant Chiefs and the Training Officer shall be appointed annually by the Chief after the Chief is appointed.

D) Chief's Duties.

- 1) The Chief or, in his or her absence, the Assistant Chief shall have supervision over all the apparatus and other equipment, examine the same as often as necessary and see to it that it is property kept, cared for and placed.
- 2) Training and Authority.
  - a) The Chief shall order drills and practices as often as is advisable and see to it that all members of the Department understand their work.
  - b) He or she shall have full power and absolute control at all fires.
- 3) The Chief shall, in January of each year, make a report to the Council of the calls answered by the Department, within and without the City limits, stating the approximate loss or damage of each, type, location, response time and number of personnel responding.

E) As vacancies occur or as it may be deemed necessary, new members may be appointed by the Council.

F) The Department shall meet at least once a month.

G) All equipment and apparatus acquired by the Department, either by purchase or contribution, shall become and remain the property of the City.

H) The Department is hereby authorized to answer fire calls outside of the City limits and when so doing shall be considered as on duty as firefighters of the City.

I) The members of the Department may form and organize a Volunteer Firefighters Relief Association, pursuant to state law.

## CHAPTER 24: CITY POLICIES

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### 24.01. ELECTION PROCEDURE; DATE.

A) The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year.

B) Anyone seeking election must meet the requirements in Minn. Stat. 204B.06. Specifically any person seeking election must be 21 years of age at the time of assuming office, a resident of the City of Montrose, and an eligible voter in the State of Minnesota.

### 24.02. UNCLAIMED PROPERTY

A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning. **UNCLAIMED PROPERTY.** Any money or personal property, except animals and motor vehicles, lawfully coming into the possession of the City, and remaining unclaimed by the owner.

#### B) Procedure.

- 1) The designated law enforcement agency shall make a reasonable and diligent effort to find the owner of any unclaimed property and restore the same to him or her.
- 2) Abandoned motor vehicles shall be disposed of as provided by in the Chapter 51 of this code related to Abandoned Vehicles and M.S. Ch. 168B, as it may be amended from time to time.
- 3) Abandoned animals shall be disposed of as provided by in the Chapter 52 of this Code related to Animals.

#### C) Found Property

- 1) A receipt shall be issued to any person who finds lost or abandoned property or money and deliver it to the custody of the City. The person may indicate in writing that he or she wishes to assert a claim to the property or money as a finder.
- 2) If the finder so indicates, and the property or money remains unclaimed by the owner for 90 days, the property or money shall be delivered to the finders.

D) Perishable or Dangerous Property

- 1) Any unclaimed property which is perishable, or which would lose the greater part of its value by being retained for 90 days, or which is determined by the designated law enforcement agency to be dangerous shall be disposed of at the discretion of the designated law enforcement agency in the manner deemed appropriate by it.

E) Money

- 1) Any money which is not claimed by the owner within 90 days or by a finder pursuant hereto or which was seized from illegal gambling shall be deposited in the City's general fund.

F) Property Seized as Evidence

- 1) Any property seized as evidence shall, when no longer needed as evidence, be returned to the owner unless otherwise subject to lawful detention. The property which is otherwise subject to lawful detention shall be destroyed or otherwise disposed of as directed by the court.

G) Disposal

- 1) Any unclaimed property for which no other manner of disposal is provided hereby and which is not claimed by the owner within 90 days may be appropriated to City use upon approval of the appropriation by the Council.

2) Sale

- a) Any Unclaimed Property which is not appropriated to City use shall be sold by the designated law enforcement agency to the highest bidder at public auction.
- b) Notice shall be published for two successive weeks of the time, place and manner of sale.
- c) The notice shall also describe the property to be sold.

3) Proceeds

- a) The proceeds from a sale of unclaimed property shall be deposited in the City's general fund.
- b) A record shall be made of the sale price of each item sold and the sale price shall be paid to the former owner, if claim is made within six months of the sale and satisfactory proof of ownership is presented.

- 4) Any unclaimed property remaining unsold after public auction shall be disposed of as directed by the Council.

### 24.03. ESCROW DEPOSITS

#### A) Intent.

- 1) Certain licensed and permitted activities carried on in the City require the assistance of the City Engineer, City Attorney or other City personnel.
- 2) As these activities primarily benefit private persons rather than the City as a whole, it is appropriate that the cost of these services be borne by those benefitting thereby.
- 3) This section is intended to provide a method whereby this end will be furthered.

#### B) Escrow Deposit Required

- 1) Applications for subdivision approval, rezonings, conditional use permits, planned unit developments, zoning variances, sewer connection permits, liquor licenses, building permits and other municipal considerations may require a cash deposit which shall be placed in an applicant's escrow account in an amount sufficient to pay all engineering, legal and planning fees incurred by the City and other costs as may be made the applicant's responsibility, in connection with the application and the supervision, inspection and investigation of the permitted activity.
- 2) Account and Charges
  - a) The deposit shall be held in the account and shall be credited to the applicant making the deposit.
  - b) All engineering, legal and planning fees and other costs as may be made the applicant's responsibility incurred in connection with an application shall be charged to the applicant's escrow account and credited to the City.

#### C) Fee Schedule

- 1) The Council shall, by ordinance establish fees for services rendered by the City Attorney, City Engineer and other City personnel. The fee schedule shall be provided to all persons making applications listed in this section upon request.

#### D) Individual Fees

- 1) Based on the fee schedule adopted pursuant to this section, the Administrator/Clerk-Treasurer shall determine the amount of the escrow deposit required after consultation with the City Attorney, City Engineer and other City personnel whose services may be required. If a dispute arises over a fee imposed by M.S. § 462.353, as it may be amended from time to time, then if the person aggrieved by that fee makes an escrow deposit of the fee, the work on a permit, license or project shall continue and the applicant may then appeal the amount of the fee to the district court as provided in that statute.

- 2) All time, services and materials to be billed to an escrow account shall be itemized.

E) Enforcement

- 1) The application listed in this section shall not be accepted or processed by the City unless signed by all parties with an interest in the property or project and accompanied by an escrow deposit as provided in this section.
- 2) If at any time it appears that a deficit will occur in any escrow account, the Administrator/ Clerk-Treasurer may then require an additional deposit in the escrow account sufficient to cover the additional expenses.
- 3) Failure to make additional deposits, or to pay to the City money owed for legal, engineering or other services for which the applicant is, by ordinance, made responsible in connection with an application in this section shall be grounds for denial or revocation of the permit or license, or cessation of work on a particular project. The permit or license shall be revoked only after a hearing preceded by ten days written notice.

F) Refund

- 1) Any money remaining in an applicant's escrow account after payment of all required engineering, legal and other fees shall be returned to the applicant.

#### 24.04. SERVICES, LICENSES AND PERMIT FEES

A) Fees Established by Resolution

- 1) The City Council shall establish the amounts of all fees for all City services, licenses, permits and penalties by ordinance on an annual or more frequent basis.
- 2) A copy of the current fee schedule ordinance may be obtained from the Administrator/ Clerk-Treasurer upon request.

B) General Licensing Requirements

- 1) All license applications to operate a business shall provide evidence of compliance with M.S. § 176.182, as it may be amended from time to time. Failure to provide evidence shall be grounds for denial of a license and termination of processing of application.

## CHAPTER 25: ADMINISTRATIVE ENFORCEMENT

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### 25.01. PURPOSE AND INTENT.

The administrative enforcement procedures established within this chapter are intended to provide the City with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the adopted City code and zoning ordinance. The City retains the right, at its sole discretion, to also enforce provisions of this code and zoning ordinance by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that such a process is a legitimate and necessary alternative method of enforcing code violations. The penalties imposed by this chapter may be in addition to any other enforcement mechanism available to the City for violations of the City code and zoning ordinance.

### 25.02. ADMINISTRATIVE CITATION PROCEDURE.

A) Notice of Violation: Any member of the Wright County Sheriff’s Department and any other persons employed by the city with authority to enforce this code shall, upon determining that there has been a violation, notify the violator or person responsible for the violation, either in person or by mail. The notice of the violation will set forth the nature and date-of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty and, where applicable, any charges relating to the violation.

B) Administration Procedure: The city administrator, or designee, shall adopt procedures for administering an administrative citation program.

C) Scheduling Penalties: Penalties shall be imposed for a violation of the scheduled administrative offenses according to a schedule established by Resolution of the City Council.

D) Payment of Fine: The person responsible for the violation shall, within seven (7) days of the issuance of the notice, pay the full fine to the city administrator, or designee. The person may pay the fine in person or by mail, and payment shall be admission of the violation.

E) Unpaid Fines: An unpaid fine will constitute a personal obligation of the person(s) to whom the citation was issued and the City shall have the right to collect the unpaid fine, together with the City’s costs and reasonable attorney’s fees, in criminal or civil proceedings.

F) Assessment of Fine: Pursuant to M.S. §§ 429.101, 514.67 and other applicable law, a lien in the amount of the fine may be assessed against the property where the code offense occurred and collected in the manner of taxes. Any such assessment shall not preclude the



City from issuing additional citations for a continuing code offense, nor from making additional assessments for a continuing or new code offense.

G) Licenses or Permits: The City may suspend or revoke a license or permit or other approval associated with the code offense if the fine is not timely paid.

#### 25.03. APPEAL TO CITY COUNCIL.

A) Requesting a hearing. Any person contesting a citation issued pursuant to this chapter may, within 15 days of the issuance of the citation, request a hearing before the City Council. Any request for a hearing shall be made in writing.

B) Conduct of hearing. At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The City Council shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply.

#### 25.04. APPEAL OF CITY COUNCIL DECISION.

The City Council's decision shall be appealable as provided for in state law.

## CHAPTER 26: ETHICS IN GOVERNMENT

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### 26.01. PURPOSE AND INTENT.

The City Council of the City of Montrose, Minnesota determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Montrose and full-time staff and volunteers of the city, is essential for the efficient administration of the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of Montrose in their government and to encourage its citizens to serve on the council and city commissions.

### 26.02. STANDARDS OF CONDUCT.

A) No member of the Montrose City Council, or a member of a board or commission established by the City of Montrose, or full-time or part-time staff employed by the City of Montrose, or a volunteer acting on behalf or for the benefit of the City of Montrose, may knowingly:

- 1) Violate the Minnesota Open Meeting Law, as codified at Minnesota Statutes, Chapter 13D, as amended.
- 2) Participate in a matter that affects such person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession or occupation. The City Council hereby professes a preference for local businesses if at all possible, within state law guidelines for conflicts of interest, including Minnesota Statutes, Sections 471.87 through 471.89, as amended.
- 3) Use the person's public position to secure special privileges or exemptions for such person or for others associated or dependent upon such person.
- 4) Use the person's public position to solicit personal gifts or favors, subject to the exceptions contained in the Minnesota Gift Law, Minnesota Statutes, Section 471.895, as amended.
- 5) Use the person's public position for personal gain, whether financial or otherwise.
- 6) Except as specifically permitted pursuant to the Minnesota Gift Law, Minnesota Statutes, Section 471.895, as amended, accept or receive any gift of substance, whether in the form of money, services, loans, travel, entertainment, hospitality,

promises, or in any other form, under circumstances in which the public could reasonably perceive that such person could be reasonably expected to be influenced through the person's performance of official action or otherwise, or be intended as a reward for such person's official action.

- 7) Disclose to the public, or use for the person's or another associated or dependent person's personal gain, financially or otherwise, information that was gained by reason of such person's public position, if the information was not public data or was discussed at a closed session of the City Council.
- 8) Disclose information that was received, discussed or decided in conference with the City's legal counsel that is protected by the attorney-client privilege, unless a majority of the City Council has authorized the disclosure.
- 9) Represent private interests before the City Council or any City committee, board, commission or agency.
- 10) Act detrimentally against the best interests of the City and the members of the community pursuant to any official or informal action or correspondence.

B) Except as prohibited by the provisions of Minnesota Statutes, Section 471.87, as amended (as such section relates to personal financial interests in official city contracts), there is no violation of this Section 26.02 for a matter that comes before the City Council, or a City-established board or commission, if the member of the City Council, board or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minnesota Statutes, Section 471.88, as amended, if proper statutory procedures are followed.

### 26.03. COMPLAINT; HEARING.

A) Any person may file a written complaint with the City Administrator or any member of the City Council alleging a violation of the standards of conduct in Section 26.02. The complaint must contain specific supporting facts for the allegation and must contain the name and address of the complainant. The complainant's contact information will be subject to the Minnesota Data Practices Act, found at Minnesota Statutes, Chapter 13, as amended.

B) The complaint will first be distributed to and heard by the City's Personnel Committee. The Personnel Committee may, in its reasonable discretion, take testimony from the complainant, the alleged wrongdoer, and any other persons of interest. The Personnel Committee may then determine, in its reasonable discretion, whether the complaint has merit. If the complaint is without merit, it shall be dismissed by the Personnel Committee, and no further action shall be taken by the city.

C) If the complaint has merit under the criteria of this Section 26.03, the complaint shall be passed on to the City Council. The City Council shall hold a hearing on the complaint only if;

- 1) Upon the advice of the City Attorney, the factual allegations of the complaint state a sufficient claim of a violation of these standards to rise to the level of a legally recognized conflict of interest or a violation of the standards of conduct recited herein, and;
- 2) The complaint has been lodged in good faith and not for impermissible purposes such as delay, harassment, or personal retribution.

D) The City Council's determination of whether the complaint requires a hearing must be made within 45 days after the complaint has been heard by the Personnel Committee. If the City Council determines there is an adequate justification for holding a hearing based on the criteria described in this Section, the hearing must be held within 30 days after such determination. At the hearing, the person accused of a violation of the standards of conduct of this chapter must have the opportunity to be heard. If, after the hearing, the City Council finds that a violation of these standards of conduct or of state law has occurred or does exist, as the case may be, the City Council may censure the person, refer the matter for criminal prosecution, request such person not to participate in a certain decision, remove such person from an advisory board or commission established by the City Council, or take other disciplinary action against the person. Under no circumstances may a City Council member be removed from office, except as allowed by state law.

E) If a complaint is filed against a member of the Personnel Committee or the City Council, that person is not prohibited from voting on the merit of the complaint, either at the Personnel Committee or City Council level.