

CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

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CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE.

Pursuant to authority granted by Statute and upon the recommendation of the City Manager, this Chapter of the City Code is enacted to set down for enforcement the government and good order of the City and includes a so-called "Administrative Code."

SECTION 2.02. CITY ELECTIONS.

Subd. 1. Date of Election. The regular City elections shall be held biennially on the first Tuesday after the first Monday in November and every even-numbered year beginning with the 1974 election.

Source: City Code
Effective Date: 9-17-82

Subd. 2. Terms and Transition. Two (2) Councilmen shall be elected for four (4) year terms at each biennial City election commencing in 1974. The Mayor shall be elected for a four (4) year term commencing with the City election in 1990.

Source: Ordinance No. 28-89
Effective Date: 8-31-89

SECTION 2.03. ABSENTEE BALLOT COUNTING BOARD.

The Council hereby authorizes an Absentee Ballot Counting Board and further authorizes the election judges of such Board to receive, examine, and validate absentee ballots. The further duties of such Board shall be those provided by statute.

SECTION 2.04. CODE OF ETHICS FOR PUBLIC OFFICIALS OF THE CITY.

Subd. 1. General Declaration of Policy. It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public as well as to the persons acting in public service. The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To further achieve these goals there is hereby established a Code of Ethics for public officials. The purpose of this Code is to establish ethical standards of conduct for such officials by directing public disclosure by such officials of their interest in property in the City.

Subd. 2. Scope of Persons Covered. The provisions of this Code of Ethics shall be applicable to all public officials including the Mayor, members of the Council, advisory commissions, committees and boards and staff department heads of the City, as well as candidates for the offices of Mayor and Council.

Subd. 3. Public Disclosure by Public Officials.

- A. Within thirty (30) days after the effective date of this Code of Ethics each public official shall file, as a public record, in the office of the City Clerk, a signed statement disclosing any interests or rights therein possessed by such person in real property (except such person's homestead) located within the City ("disclosure statement").
- B. Each person who files as a candidate for election as Mayor or a member of the Council shall file, at the time of filing as a candidate for any such office, a disclosure statement.

- C. Within thirty (30) days after a person has become a public official, such person shall file a disclosure statement, unless such person has done so pursuant to Subparagraphs A or B hereof.
- D. In the event any person fails to file a disclosure statement within the times provided in Subparagraphs A, B or C hereof, the City Manager or his designee shall give written notice of the provisions of this Section to such person who shall thereafter file a disclosure statement within ten (10) days from the giving of said notice.
- E. Any material change in such property interests of rights shall be disclosed by filing an amended disclosure statement within thirty (30) days after such change has occurred.
- F. This Code of Ethics shall not be construed to require the filing of any information relating to any person's affiliation with, or interest in, any professional society, charitable, religious, social, fraternal, educational, recreational, public service, civic, governmental, political, or similar organization.

Subd. 4. Violation. A willful violation shall include any willful violation of any of the provisions of this Section by any person covered hereunder, except the failure to file a disclosure statement within the time provided in Subdivision 3, Subparagraphs A, B and C hereof. Such violation shall be a petty misdemeanor.

Source: City Code
 Effective Date: 9-17-82

SECTION 2.05. SALARIES OF MAYOR AND COUNCIL MEMBERS.

Subd. 1. The monthly salary of the Mayor shall be \$825.00 until December 31, 2012, and shall be \$1,125.00 thereafter.

Source: Ordinance No. 25-2012
 Effective Date: 7-26-2012
 Prev. Source: Ordinance No. 20-2004
 Effective Date: 7-29-2004

Subd. 2. The monthly salary of each Council Member shall be \$625.00 until December 31, 2012, and shall be \$895.00 thereafter.

Source: Ordinance No. 25-2012
 Effective Date: 7-26-2012
 Prev. Source: Ordinance No. 20-2004
 Effective Date: 7-29-2004
 Prev. Ordinance No. 41-92
 Effective Date: 10-30-92

Subd. 3. In addition to the above,

A. Repealed.

Source: Ordinance No. 25-2012
 Effective Date: 7-26-2012
 Prev. Source: Ordinance No. 31-2000
 Effective Date: 11-9-2000

B. The Mayor and each Council Member may attend and participate in the benefits (including food and refreshments) of the following activities which shall be deemed to constitute compensation for the Mayor and Council Members: an annual recognition dinner for Commission members; employee events including employee picnic, and Thanksgiving and Christmas luncheons; other Employee and Commission recognition events; public open houses; food and refreshments provided in conjunction with periodic business meetings with

the City Manager; and food and refreshments provided immediately before or in conjunction with meetings of the Council. The benefits provided in this subsection shall become effective January 1, 2003.

Source: Ordinance No. 27-2002
Effective Date: 10-24-02

Subd. 4. Salary adjustments shall become effective on January 1 of the year following the next regular election which is preceded by amendment of this Section.

Source: Ordinance No. 50-86
Effective Date: 11-27-86

Source: Ordinance No. 17-2010
Effective Date: 10-14-2010

SECTION 2.06. REGULAR COUNCIL MEETINGS.

Regular meetings of the Council shall be held in the Council Chambers on the days and hours fixed by resolution of the Council. A schedule of the regular meetings of the Council shall be kept on file at the City Hall. Any regular meeting to be held at a time or place different from the time or place stated in the schedule of regular meetings shall receive the same notice as a special meeting.

SECTION 2.07. SPECIAL MEETINGS.

Subd. 1. Special meetings may be called by the mayor or by any two (2) members of the Council by a writing filed with the City Clerk.

Subd. 2. Notice to Council Members. The City Clerk shall send written notice to all Council Members of the time, place and purpose of a special meeting, except an emergency meeting, at least three (3) days before the meeting.

Subd. 3. Notice to Public. For all special meetings, except emergency meetings or special meetings for which a notice requirement is otherwise expressly established by statute, the City Clerk shall post, at least three (3) days before the date of the meeting, a written notice of the date, time, place and purpose of the meeting in the City Hall where other notices are generally posted.

Subd. 4. Notice Pursuant to Special Request. Any person may file a written request for notice of special meetings with the City. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case written notice as provided below need be given to that person concerning special meetings involving those subjects only. Each written request shall expire December 31 of each year and must be refiled to remain effective. Prior to December 31 of each year, the City Clerk shall send out notices of the refiling requirement to each person who filed during the previous year. The City Clerk shall mail or otherwise deliver a written notice of special meetings, at least three (3) days before the date of the meeting, except an emergency meeting, to each person who has filed a request therefore. As an alternative to mailing notices to persons who have filed written requests, the City may publish the notice once, at least three (3) days before the meeting in the official newspaper or, if there is none, in a qualified newspaper of general circulation within the City.

Subd. 5. Actual Notice. If any person receives actual notice of a special meeting at least twenty-four (24) hours prior to the meeting, all notice requirements of this section are satisfied with respect to that person.

SECTION 2.071. EMERGENCY MEETINGS.

Subd. 1. An "emergency" meeting is a special meeting called because of circumstances that, in the judgment of the Council, require immediate consideration. In determining what constitutes an emergency, the Council shall be guided by considerations of whether the situation calls for immediate action involving the protection of the public peace, health or safety.

Subd. 2. Notice. Mailed notice to Council Members is not required for an emergency meeting. Posted public notice is not required for an emergency meeting. After notice of an emergency meeting has been given to the Council Members by telephone or any other method, the City Clerk shall make good faith efforts to provide notice of an emergency meeting by telephone or by any other method used to notify the members of the Council to each news medium which has filed a written request for such notice pursuant to Section 2.07, Subd. 4, provided such request includes the news medium's telephone number.

Subd. 3. If the Council discusses or acts upon matters not directly related to the emergency meeting, the minutes of the meeting shall include a specific description of such matters.

SECTION 2.072. RECESSED MEETINGS.

Subd. 1. If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

SECTION 2.073. FAILURE TO COMPLY.

Failure to comply with any provision of Sections 2.07, 2.071, and 2.072 shall not constitute a violation subjecting the person who fails to comply to a fine or penalty, unless the failure to comply is willful and deliberate.

Source: Ordinance No. 55-87
Effective Date: 1-7-88

SECTION 2.08. PROCEDURE FOR ADOPTION OF ORDINANCES.

Subd. 1. Purpose. This Section is adopted to supplement statutory provisions relating thereto, provide for adequate deliberation by the Council, and also provide additional public information.

Subd. 2. Legislation. Except as otherwise provided by statute or the City Code, all legislature shall be by ordinance.

Subd. 3. Introduction and Adoption. All ordinances shall be in writing. An ordinance shall be introduced, read, and adopted by such affirmative vote of the Council as required for its adoption. An ordinance shall be read and adopted by the affirmative vote of that number of members of the Council required by law. No ordinance may be adopted, except by the unanimous vote of the Council, until the third calendar day following its introduction. Nothing contained herein shall prohibit any modification or amendment of the form or substance in which an ordinance is introduced prior to its adoption. An ordinance so modified or amended may be adopted at any time commencing on the third day following its introduction, notwithstanding the modification or amendment is made less than three (3) days prior to its adoption.

Subd. 4. Copies. Any resident of the City may obtain a copy of an ordinance which has been introduced but not adopted by the Council.

Subd. 5. Effective Date. All ordinances, except emergency ordinances, shall be effective on the day following publication in the official newspaper, unless a later date is fixed therein.

Subd. 6. Emergency Ordinances. All emergency ordinances shall contain a preamble setting forth facts demonstrating need for immediate action involving the protection of the public peace, health or safety. Emergency ordinances may be adopted immediately upon introduction and shall be effective at once, provided that no person shall be prosecuted for violation of an emergency ordinance until (1) the day following publication thereof, or (2) such person has actual knowledge or notice of the contents of such ordinance, whichever shall first occur.

Subd. 7. Definition. "Read" and "reading" as referred to in this Section and in Council proceedings refers to "considered" by the Council.

SECTION 2.09. INTERIM EMERGENCY SUCCESSION.

Subd. 1. Purpose. Due to the possibility of war, civil disturbance or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

Source: City Code
Effective Date: 9-17-82

Subd. 2. Succession to Local Offices. In the event of war, civil disturbance or a natural disaster affecting the vicinity of the City, the Mayor, Council and City Manager shall be forthwith notified by any one of said persons and by any means available to gather at the Communications Center. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

Source: Ordinance No. 64-84
Effective Date: 4-5-84

- A. By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes, respectively.
- B. They shall review and record the specific facts relating to the war, civil disturbance or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.
- 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 the Council of those persons, including the office of Mayor, upon whom notice could not be served or who are unable to be present.
- E. Such interim successor shall serve until such time as the duly elected official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3. Duties of the Interim Emergency Council. The members of the Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

Source: City Code
Effective Date: 9-17-82

SECTION 2.10. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.11. Renumbered to 2.26.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.12. Repealed.

Source: Ordinance No. 13-87
Effective Date: 5-7-87

SECTION 2.13. Repealed.

Source: Ordinance No. 1-94
Effective Date: 1-21-94

SECTION 2.14. Renumbered to Section 2.25.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.15. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.16. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.17. Renumbered to 2.27.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.18. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.19. Renumbered to 2.28.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.20. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.21. Repealed.

Source: Ordinance No. 33-99
Effective Date: 10-7-99

SECTION 2.22. BOARDS, COMMISSIONS AND TASK FORCES.

Subd. 1. Generally. Except as otherwise provided with respect to a Board, Commission or Task Force, the provisions of this Section shall apply to all Boards, Commissions and Task Forces provided in this Chapter 2.

Subd. 2. Membership. Members shall be appointed by the Council who shall serve at the pleasure of the Council. Members shall be residents of the City. No member of the Council shall serve as a member.

Subd. 3. Terms of Appointment. Except for the Budget Advisory Commission, the terms of members of Boards and Commissions shall be for a period of three years each, provided however, in order to avoid the expiration of the terms of all members on the same date, the term of each member appointed may be established and stated at the time of the appointment so that an equal or approximately equal number of terms of members shall expire each year after the initial appointment of members and thereafter. Terms shall commence April 1 and shall continue for the terms appointed and until the member's successor has been appointed and qualified. The Council may, but need not, appoint a person for the unexpired portion of the term of a member whose membership has become vacant. No person may be appointed to more than two (2) full consecutive terms, except by unanimous vote of the Council. The term of members of a Task Force shall be determined by the Council at the time the Task Force is established. The terms of members of all members of the Budget Advisory Commission shall expire December 31, 2008. Thereafter all terms shall commence on January 1 and shall continue for the terms appointed and until the member's successor has been appointed and qualified. For the term starting January 1, 2009 the Council shall appoint four (4) members to a four (4) year term ending December 31, 2012 and three (3) members to a two (2) year term ending December 31, 2010. Thereafter, following expiration of the three (3) terms ending December 31, 2010, the term of such positions shall be four (4) years. The Council may, but need not appoint a person for the unexpired position of the term of a member whose membership has become vacant. No person may be appointed to more than two (2) full consecutive terms, except by unanimous vote of the Council.

Source: Ordinance No. 22-2008
Effective Date: 10-16-2008

Subd. 4. Vacancies and Removal of Members.

A. Vacancies: Membership shall become vacant upon the occurrence of any of the following:

1. Death. The death of a member.
 2. Disability. A determination by the Council that the member's physical or mental disability renders the member incapable of service.
 3. Resignation. The member's resignation in writing.
 4. Absence. A member's absence from three consecutive meetings, unless excused by action of the Council.
 5. Change in Residence. Termination of a Member's residence in the City.
- B. Removal from Office. A member may be removed:
1. Upon Petition of a Board, Commission or Task Force. The Board, Commission or Task Force, by a three fifths (3/5's) vote of its members, may petition to the Council to remove any member when, in its discretion, the best interests of the City would be served thereby.
 2. By the Council. The Council, by a majority vote of all its members, shall have the authority, in its discretion, to remove any member.

Subd. 5. Officers. The Council shall in March each year choose a chairperson and vice-chairperson for a Board or Commission to serve for a period of one year. With the exception of the first chairperson, a chairperson must have served one year on the Board or Commission before becoming eligible for appointment as a chairperson. At the time the Council establishes a Task Force it shall choose a chairperson and vice-chairperson to serve for the duration of the Task Force. The chairperson or in his/her absence, the vice-chairperson shall preside at all meetings of the Board, Commission or Task Force of which such person is the chairperson or vice-chairperson. In the absence of a chairperson or vice-chairperson, members of a Board, Commission or Task Force may appoint an acting chairperson to act during the absence.

Subd. 6. Meetings.

- A. Regular Meetings: The Council shall establish from time to time a schedule of regular meetings for a Board or Commission. A Task Force shall establish a schedule of regular meetings at its initial meeting.
- B. Special Meetings. Special meetings of a Board, Commission or Task Force may be called by the chairperson or any three members of the Board, Commission or Task Force by a writing filed with the City Clerk at least three days prior to the date of the meeting. The City Clerk shall thereupon notify each member of the Board, Commission or Task Force and give such further notice as required by law.

Subd. 7. Rules Governing Meetings. The Board, Commission or Task Force shall be governed by Robert's Rules of Order, newly revised 1990 edition (9th Edition), and the Minnesota open meeting law.

Subd. 8. Compensation, Expenses and Appreciation. Members of the Board, Commission or Task Force shall serve without compensation, but may be reimbursed for out of pocket expenses incurred in the performance of their duties when such expenses have been authorized by the Council or the City Manager before they were incurred. The City will coordinate an ongoing program to provide for activities and events designed to demonstrate appreciation, express recognition, acknowledge, motivate and provide for social interaction for members of Boards, Commissions, and Task Forces, including an appreciation dinner designed to recognize retiring Board and Commission members.

Source: Ordinance No. 4-2002
Effective Date: 2-14-02

SECTION 2.23. COMMISSIONS.

Subd. 1. Establishment: The following Commissions are hereby established:

- A. Human Rights and Diversity Commission
- B. Arts and Culture Commission (Inactivated and its duties transferred to the Parks, Recreation and Natural Resources Commission on 3/20/2012.)
- C. Parks, Recreation and Natural Resources Commission
- D. Heritage Preservation Commission
- E. Citizen Advisory Conservation Commission
- F. Budget Advisory Commission (Inactivated on 1/13/2013.)

Source: Ordinance No. 4-2007
Effective Date: 2-20-07

Subd. 2. Duties and Responsibilities. The Commissions shall provide the City Staff and Council, upon request by the Council or City Manager or designee, with advice on a continuing, temporary or interim basis on such subjects and matters as requested. In addition, each Commission may act in an advisory capacity as provided hereafter:

- A. Human Rights and Diversity Commission. The Human Rights and Diversity Commission shall act in an advisory capacity on matters of diversity, civil and human rights, and the Americans with Disabilities Act (“ADA”) which may include the following:
 - 1. Enlisting the cooperation of agencies, organizations and individuals in the community to promote awareness and appreciation of diversity.
 - 2. Reviewing and investigating alleged ADA violations reported to the City via the ADA Grievance procedures.
 - 3. Working with community volunteers to promote the City’s Manifesto and provide response and support to victims of incidents of bias.
- B. Arts and Culture Commission. The Arts and Culture Commission shall act in an advisory capacity on matters pertaining to cultural, performance and visual art programs and activities supported by the general public which may include the following:
 - 1. Enlisting the cooperation of organizations and individuals in the community to promote community awareness and support of performance and visual arts and cultural activities.
 - 2. Promoting partnerships with art resources throughout the metropolitan area.
 - 3. Providing input to staff on the development of art programs and activities.
 - 4. Providing input to staff on the development of programs that communicate and preserve the City’s cultural heritage.
 - 5. Development of operation and maintenance of facilities related to the arts.

6. Studies for the development of facilities related to the arts.
7. Policies relating to the operation of programs and facilities related to the arts.

The Arts Commission was inactivated and its duties transferred to the Parks, Recreation and Natural Resources Commission on 3/20/2012.

- C. Parks, Recreation and Natural Resources Commission. The Parks, Recreation and Natural Resources Commission shall act in an advisory capacity on matters of development and use of parks and recreation facilities; and recreation programs; preservation of natural resources; and promotion of environmental awareness which may include the following:
 1. The acquisition and development of a complete system of parks and recreation facilities in the City, including:
 - (a) The development of a System Plan for parks and recreation facilities.
 - (b) Recommendation of studies as necessary for the development of such a System Plan.
 - (c) Recommendation of policies for the implementation of the Plan.
 - (d) Recommendation of a capital improvement program for the implementation of the Plan.
 - (e) Recommendation of a site plan for the development of the different parcels of property which will compose the System.
 - (f) Review of a development proposal for consistency with the System Plan.
 2. The conduct of the complete program of recreation opportunities within the City and charging the Commission with review of development proposals, including:
 - (a) Review of proposed and existing recreation programs and advice to the Recreation Staff on programming and the operation of all such opportunity.
 - (b) Recommendation of policies to the Council on matters pertaining to the operation of recreation facilities and program.
 - (c) Recommendation of an annual budget for the operation of said programs and facilities to the Council in time for inclusion in the budget proposal.
 - (d) Cooperation and coordination of recreation and other leisure opportunity and proposals with other City Groups, school groups, community groups, and County, State and Federal agencies that have application within the City.
 3. The inventory, preservation and management of natural resources within the City including:
 - (a) Making a study and inventory of natural resources in the City.
 - (b) Recommendation of plans and policies for the preservation of natural resources in the City.
 - (c) Review of land use proposals that conflict with the park and open space plan.

- (d) Making recommendations to the Council for action programs to ensure preservation of natural resources.
- (e) Cooperation and coordination of the environmental programs and proposals with other City Groups, school groups, and County, State and Federal agencies that have application within the City.
- (f) Establishing programs and dissemination of information to better inform and guide environmental choices of residents of the City.
- (g) Making recommendations on management of wildlife to control the geese within DNR recommended populations.

D. Heritage Preservation Commission. The Heritage Preservation Commission (“Commission”) shall have the following duties and responsibilities; in addition to those specified in Section 11.05:

- 1. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the City which the Commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political, or architectural history of the City.
- 2. The Commission shall continually survey all areas to determine needed and desirable improvements of older buildings throughout the City, acting in a resource and advisory capacity to owners of historically significant sites regarding their preservation, restoration and rehabilitation.
- 3. The Commission shall work for the continuing education of the citizens of the City with respect to the civic and architectural heritage of the City. It shall keep current a public register of designated and proposed Heritage Preservation sites and areas along with the plans and programs that pertain to them.
- 4. The Commission may recommend to the Council the acceptance of contributions offered to the City and to assist the City staff in preparation of applications for grant funds to be made through the City for the purpose of Heritage Preservation.
- 5. The Commission will on a continuing basis collect and review City planning and development records, documents, studies, models, maps, plans, and drawings to be passed on to the State Historical Society as a permanent record of City history and development.
- 6. The Commission shall make no application to the National Register of Historic Places or to the State of Minnesota for the designation of a historic site or district without the consent of the Council.

E. Citizen Advisory Conservation Commission. The Citizen Advisory Conservation Commission (“CACC”) shall act in an advisory capacity to the City Council and staff about policies and practices that promote the sustainable development and conservation of Eden Prairie’s air, water, and land resources; reduction of residential and commercial solid waste; and the more efficient use of energy in the economic activities of both the public and private sectors, which may include the following.

- 1. The Commission shall have the following roles and responsibilities:
 - a. Review, examination and evaluation of the City’s operating policies and practices with the goal of improving performance in this area through the recommendation of Best Management Practices. The CACC shall recommend the inclusion of appropriate environmental conservation and protection measures into the planning process. Where environmental policy

mandates of the state and local agencies require the City's response, the CACC may serve as the body to examine alternatives and make recommendations to the City Council.

- b. Provide recommendations as to oversight and accountability for municipal and private initiatives in the area of environmental policies that impact Eden Prairie's energy and natural resources. The Commission shall serve as the liaison and monitoring body for community events and activities that are relevant to the Commission's purpose.
 - c. Educate the community, including Eden Prairie schools and community groups, about the impact of advances in environmental science, engineering, product development and policies to produce a better informed citizenry about environmental conservation.
2. In pursuance of the above stated roles and responsibilities the Commission shall perform the following work tasks:
- a. Recommend best practices for energy conservation for Eden Prairie's citizens, businesses, institutions and City government, including the 20/40/15 initiative.
 - b. Encourage energy efficiency through appropriate building code improvements.
 - c. Recommend opportunities to increase the City's use of alternative energy.
 - d. Recommend ways to develop a comprehensive recycling, reuse and municipal solid waste (MSW) reduction program.
 - e. Recommend ways to improve water quality in Eden Prairie.
 - f. Promote tree planting, native landscapes and infiltration of water runoff with rain gardens and other techniques to maintain healthy urban native landscapes and reduce water consumption.
 - g. Recommend ways to reduce greenhouse gas emissions and improving air quality in Eden Prairie.
 - h. Recommend ways to integrate natural resource initiatives and programs into other areas of Eden Prairie government, including other commissions and groups, to better promote natural resource management and conservation.
 - i. Educate the public, professional associations, organizations, businesses and industries about improving the community's environment, both natural and man-made.

Source: Ordinance No. 4-2009

Effective Date: 4-30-2009

Source: Ordinance No. 22-2005

Effective Date: 10-27-2005

- F. **Budget Advisory Commission.** The Budget Advisory Commission shall consist of five to seven members-at-large appointed by the City Council. The chair and vice-chair of the commission shall be appointed by the City Council. The commission shall act in an advisory capacity to the City Council in connection to the formation of a biennial City budget. The responsibilities of the commission shall include the following:

1. Learn about the overall policy direction for the budget as communicated by the City Council to the City Manager.
2. Interact with City Manager and City staff to learn about the City's statutory and discretionary budgetary procedures and practices.
3. Review budget drafts, documents and other related budget information related to the City budget.
4. Attend City Council workshops, meetings, forums and other events related to the City budget.
5. Review and comment to the City Council on intermittent budget proposals prepared by the City staff.
6. Propose budgetary and operational reforms with a goal aiding the City Council in making fiscally sound budget decisions.
7. Meet as frequently as necessary to accomplish their mission.

Inactivated 1/13/2013.

Source: Ordinance No. 4-2007

Effective Date: 2-20-07

Subd. 3. Membership. Subject to subdivision 6 of this section, each Commission, except the Parks, Recreation and Natural Resources Commission and the Heritage Preservation Commission shall consist of not less than five and not more than seven (as established by the Council from time to time) members. The Parks, Recreation and Natural Resources Commission shall consist of seven (7) to nine (9) members. The Heritage Preservation Commission shall consist of seven (7) members appointed by the Council. Members shall have a demonstrated interest and/or expertise in historic preservation; be residents of the City; and, if available, at least two (2) members shall be preservation-related professionals (including the professions of history, architecture, architectural history, archeology, planning, real estate, or law) and one (1) member shall be a representative of the county Historical Society.

Source: Ordinance No. 2-2009

Effective Date: 3-26-2009

Subd. 4. Repealed.

Source: Ordinance No. 4-2002

Effective Date: 2-14-02

Subd. 5. Repealed.

Source: Ordinance No. 4-2002

Effective Date: 2-14-02

Subd. 6. Combining Duties of Commissions. The Council may by a resolution make a Commission inactive by choosing not to appoint members to such Commission. If the Council makes a Commission inactive it may assign the duties of the inactive Commission to any one of the other Commissions. The Council may subsequently by resolution activate an inactive Commission and thereafter appoint members as provided herein.

Source: Ordinance No. 4-2002

Effective Date: 2-14-02

SECTION 2.24. REPEALED.

Source: Ordinance No. 4-2002

Effective Date: 2-14-2002

SECTION 2.25. PLANNING COMMISSION.

Subd. 1. Establishment. The Planning Commission is hereby established.

Subd. 2. Duties and Responsibilities. The Planning Commission shall have the following duties and responsibilities:

- A. It shall function as the City’s Planning Commission and its Planning Agency which shall have all of the powers and perform all of the duties and responsibilities (of a Planning Commission and Planning Agency) as provided by law and the Code. With respect to its duties and responsibilities as a Planning Commission and Planning Agency, it shall be advisory to the Council except as other powers and duties are imposed on it by law.
- B. Review and recommend additions to or modifications of park, trail, and leisure uses of land.
- C. Perform other duties which the Council may assign to it.
- D. The Planning Commission shall serve as the Board of Adjustments and Appeals.

Source: Ordinance No. 12-2003
Effective Date: 5-15-03

Subd. 3. Membership. The Planning Commission shall consist of not less than seven (7) and not more than nine (9) (as established by the Council from time to time) members. The members shall include one person (but not more than one and not the same person) who shall have experience in each of one of the following: heritage preservation, transportation, environment, housing or leisure services. The other members shall represent a spectrum of interests including architecture, land development, real estate, public safety, economic growth and landscape architecture.

Source: Ordinance No. 4-2002
Effective Date: 2-14-02
(Prev. Ordinance No. 33-99
Effective Date: 10-7-99)

SECTION 2.26. BOARD OF ADJUSTMENTS AND APPEALS.

Subd. 1. Establishment. The Board of Adjustments and Appeals (“Board”) is hereby established. The Planning Commission shall serve as the Board of Adjustments and Appeals.

Source: Ordinance No. 12-2003
Effective Date: 5-15-03

Subd. 2. Duties and Responsibilities. The Board shall hear and decide matters relating to City Code Chapters 11 (Zoning) and 12 (Subdivision Regulations [Platting]) and other matters specified in this Section and as otherwise provided by the City Code and building and fire codes (“Building and Fire Codes”).

Source: Ordinance No. 17-2005
Effective Date: 9-15-05

A. Zoning, Subdivisions and Other Matters. The following duties and procedures shall apply to Zoning, Subdivisions and other Matters:

- 1. Duties. The Board shall (1) hear all appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the land use regulations (zoning) and subdivision provisions of the City Code and as otherwise provided

by law, (2) make recommendations to the Council when required by City Code, and (3) hear requests for adjustments (variances) from City Code requirements, deny or grant variances, and impose conditions on such variances in accordance with applicable law and the provisions of City Code Chapter 11. The Board may not permit as a variance any use that is not allowed by City Code Chapter 11 in the zoning district in which the subject property is located. The Board shall issue building moving permits pursuant to Chapter 10 of the City Code. The Director of Community Development shall have the responsibility to review and report on an appeal or petition on behalf of the Planning Commission in accordance with Minnesota Statutes.

Source: Ordinance No. 14-2011

Effective Date: 10-27-2011

2. Decision by the Board. Within sixty (60) days after the filing of a request for a variance or an appeal from an administrative order or determination, the Board shall set a date for hearing thereon and shall hear such persons as wish to be heard either in person or by agent or attorney. Notice of any such hearing shall be mailed not less than ten (10) days before the date of hearing to the person or persons who file the appeal or request and in the case of a request for a variance to each owner of property situated wholly or partly within five hundred (500) feet of the property to which the variance relates insofar as the names and addresses of such owners can be determined by the City Clerk from records available to the public. Within a reasonable time after a hearing, the Board shall make an order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail. The Board shall provide for a written record of its proceeding which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it including its final order. No decision of the Board shall be final until the later of the expiration of the fifteen (15) day period provided for in Subd. 2. A.3. or completion of review by or appeal to the Council.
3. Review or Appeal. (1) The Council may elect to review any decision of the Board within fifteen (15) days after that decision has been made, or a decision may be appealed by the appellant or petitioner within fifteen (15) days by filing with the City Clerk an appeal to the Council from the decision of the Board. (2) The Council shall, at its next regular meeting after the filing of an appeal from a decision of the Board, set a date for hearing thereon which shall not be later than sixty (60) days after the meeting. Review shall be made upon the petition and all the files, documents and records of the proceedings in the matter. The City Clerk shall make a permanent record of the disposition of all appeals from or review of decisions of the Board.
4. Variance Time Limitation. Variances granted from the provisions of the City Code shall be used within one (1) year; and if not, the variance will be of no further force and effect.

B. Special Procedures applicable to Appeals and Requests for Variances relating to Signs and Individual Sewage Treatment Systems (ISTS) and other Requests for Variances Related to Zoning. In cases of (a) appeals and requests for variances relating to (i) signs and (ii) (ISTS) and (b) other requests for variances related to zoning, the following procedures and rules to the extent they may be inconsistent with City Code Section 2.26 Subd. 2. A., 2. and 3. shall apply:

1. The Board shall approve or deny the appeal or request within sixty (60) days of the filing by the appellant or the requester of a complete application with the City ("60-day period"). If the appeal or request is denied by the Board, it shall state in writing the reasons for the denial at the time it denies the appeal or request. The decision of the Board shall become final upon the earlier of (a) 15 days after the decision or (b) the end of the 60-day period.
2. The Council may elect to review the decision of the Board. The election must be made (a) within 15 days after the decision of the Board and (b) prior to the end of the 60-day period. If the Council elects

to review the decision of the Board, the review by the Council shall be completed within the 60-day period. If the Council denies the appeal, request or variance, it shall state in writing the reasons for the denial at the time it denies the request.

3. The appellant or requestor may appeal a decision of the Board to the Council within ten (10) days after the decision by the Board. The Council shall complete its review of an appeal of a decision of the Board and approve or deny the appeal, request or variance within the 60-day period. If the Council denies the variance it shall state in writing the reasons for the denial at the time of the denial.
4. The 60-day period may be extended before the end of the period by providing written notice of the extension to the appellant or requester. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the appellant or requester. The 60-day period may also be extended as provided by Minn. Stat. § 15.99.

Source: Ordinance No. 25-2008
Effective Date: 12-11-2008

Source: Ordinance No. 17-2005
Effective Date: 9-15-05

C. Building and Fire Codes.

1. Duties and Procedures. The following duties and procedures shall apply to the Building and Fire Codes:
 - a. Building Code. The Board shall (a) hear and decide appeals of orders, decisions or determinations made relative to the application and interpretation of the State Building Code as adopted by the City, (b) conduct investigations and inquiry into matters brought before it, (c) make all decisions and findings in writing and give notice of them to the appellant with a duplicate copy to the City building official and to the State building inspector within fifteen (15) days of the decision, and (d) recommend to the Council such new legislation as is consistent therewith.
 - b. Fire Code. The Board shall (a) hear and decide appeals of orders, decisions or determinations made relative to the application and interpretation of the Uniform Fire Code as adopted by the City, (b) conduct investigations and inquiry into matters brought before it, (c) make all decisions and findings in writing and give notice of them to the appellant with a duplicate copy to the Fire Marshal within fifteen (15) days of the decision, and (d) recommend to the Council such new legislation as may be consistent therewith.
 - c. Review by Council. The Council may elect to review and amend any decision of the Board relating to the building and fire codes within twenty-one (21) days following the decision.

Subd. 3. REPEALED.

Source: Ordinance No. 12-2003
Effective Date: 5-15-03

SECTION 2.27. FLYING CLOUD AIRPORT ADVISORY COMMISSION.

Subd. 1. Establishment. The Flying Cloud Airport Advisory Commission (“Commission”) is hereby established.

Subd. 2. Duties and Responsibilities. The Commission shall have the following duties and responsibilities:

- A. Advise the Council and the Metropolitan Airports Commission with regard to matters affecting the operation of the Flying Cloud Airport, including: the classification of the airport under federal and state law; rules and regulations of federal and state agencies governing the operation of the Airport; the ongoing monitoring and implementation of the Final Agreement Concerning Flying Cloud Airport and MAC Ordinance 51 between the City of Eden Prairie, Minnesota and Metropolitan Airports Commission, dated December 2002 (Final Agreement); other noise abatement methods to reduce the impact of aircraft noise on the community; and such other matters as the City Council may direct from time to time.
- B. Cooperate with the Metropolitan Airports Commission Staff in reviewing for the benefit of the Council matters affecting the use and control of the Flying Cloud Airport, including the Final Agreement, and shall make its recommendations to the Council and the Metropolitan Airports Commission upon request with regard to any proposal affecting the use or operation of Flying Cloud Airport.

Subd. 3. Membership. The Commission shall consist of seven (7) members. One (1) member shall represent the Metropolitan Airports Commission and shall be appointed by the Chairman of the Metropolitan Airports Commission. Six (6) members shall be appointed by the Council who shall serve at the pleasure of the Council. Two (2) members appointed by the Council shall represent the interests of the Eden Prairie business community, one of whom shall represent Flying Cloud Airport businesses, neither of whom need to be residents of Eden Prairie notwithstanding Section 2.22 Subd. 3 of the City Code, and four (4) members appointed by the Council shall represent the community's interest, all of whom shall be residents of Eden Prairie.

Subd. 4. Cost Participation. Fifty percent (50%) of the financial costs associated with the administration and staffing of the Flying Cloud Airport Advisory Commission shall be provided by the Metropolitan Airports Commission.

Source: Ordinance No. 25-2005
Effective Date: 12-22-2005

SECTION 2.28. REPEALED.

Source: Ordinance No. 4-2002
Effective Date: 2-14-2002

TASK FORCES. See Section 2.89.

SECTION 2.29. MUNICIPAL CEMETERY.

Source: Ordinance No. 7-96
Effective Date: 3-8-96

Subd. 1. Name and location. The municipal cemetery, known as the Pleasant Hill Cemetery, is situated upon land within the City limits.

Subd. 2. Minnesota Statutes, 1990, Chapter 306. Except as otherwise provided for in this Code, the regulatory and procedural provisions of Minnesota Statutes, Chapter 306, (1986), with regard to public cemeteries, is hereby incorporated herein and adopted by reference in its entirety.

Subd. 3. Maintenance and Operation. The Manager of Parks, Recreation and Natural Resources shall advise the Council on all matters pertaining to the development and maintenance of the cemetery, including operation of the cemetery, status of records, upkeep of the grounds, annual budget for operation and upkeep thereof, and use of the cemetery perpetual care fund. The Council may adopt by resolution certain written rules and regulations pertaining to the cemetery.

Source: Ordinance No. 14-2000
Effective Date: 4-27-2000

Subd. 4. Rules and Regulations Governing Municipal Cemetery. It shall be unlawful for any person to:

- A. Drive a motor vehicle into the cemetery unless attending a funeral, visiting a relative's or friend's gravesite, or carrying on maintenance work authorized by the City.
- B. Drive or park any motor vehicle across or upon any grave or lot.
- C. Drive any motor vehicle in excess of ten miles-per-hour within the cemetery grounds.
- D. Engage in loud or boisterous talking or playing of music.
- E. Bring food or refreshments into the cemetery or consume them on the grounds.
- F. Allow dogs or other pets on the cemetery grounds with the exception of seeing-eye dogs.
- G. Engage in peddling or soliciting the sale of any commodity within the cemetery grounds.
- H. Place signs, notices, or advertisements of any kind within the cemetery grounds.
- I. Bring firearms into the cemetery except by military escort accompanying a veteran's funeral or attending memorial services by police officers while in the line of duty.

Source: Ordinance No. 39-88
Effective Date: 9-29-88

SECTION 2.30. CITY DEPARTMENTS.

Subd. 1. City Manager. The City Manager shall be appointed by the Council and shall serve at the Council's pleasure. The Manager shall be the chief administrative officer of the City and all Departments of the City shall be under the overall control of the City Manager. The City Manager shall have the following general duties and responsibilities:

- A. Plan the organization of City staff and assign appropriate responsibility and authority for the efficient and effective delivery of City services.
- B. Prepare and administer the annual City budget; develop compensation plans and personnel policies for City staff consistent with good management practices.
- C. Prepare Council agendas and information for Council meetings with appropriate staff research and recommendations.
- D. Communicate effectively with council members, City staff, news media, other governmental agencies, and the public.
- E. The City Manager, with the consent of the Council, shall appoint a City Attorney, who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required by law or referred by the Council.
- F. The City Manager shall appoint a City Clerk. It shall be the duty of the City Clerk to carry out the provisions of State Statute §412.151.

G. The City Manager shall appoint the Finance Manager as the City Treasurer, who shall carry out the provisions of State Statute §412.141.

Source: Ordinance No. 4-2004

Effective Date: 2-12-2004

Subd. 2. Community Development Department. A Community Development Department is hereby established. The Head of this department is the Director of Community Development. All matters relating to Assessing, Planning, Economic Development, and Housing and Human Services shall be the responsibility of this Department.

This Department shall include the Assessing Division. The manager of the Assessing Division is the City Assessor. All matters of levies and assessments shall be the responsibility of this division.

Source: Ordinance No. 4-2004

Effective Date: 2-12-2004

Subd. 3. Police Department. A Police Department is hereby established. The head of this department is the Police Chief. All matters of law enforcement, civil defense and zoning enforcement shall be the responsibility of this Department. The Chief of Police shall serve as the Chief Law Enforcement Officer of the City.

Subd. 4. Fire Department. A Fire Department is hereby established. The head of this department is the Fire Chief. All matters of fire protection and building and fire inspection shall be the responsibility of this Department.

Subd. 5. Public Works Department. A Public Works Department is hereby established. The head of this Department is the Director of Public Works. All matters relating to engineering, streets, water and sewer are the responsibility of this Department.

Subd. 6. Parks and Recreation Department. A Parks and Recreation Department is hereby established. The head of this Department is the Director of Parks and Recreation. All park and recreation facilities, recreation programs and activities, natural resources management, and municipal cemetery shall be the responsibility of this Department.

Source: Ordinance No. 1-2003

Effective Date: 2-13-2003

SECTION 2.31. RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

Source: City Code

Effective Date: 9-17-82

SECTION 2.32. ISSUANCE OF CITATIONS. The following employees of the City of Eden Prairie, while in the course and scope of the performance of their duties as employees, may issue citations in lieu of arrest or continued detention:

Office of City Manager

City Manager

City Clerk

Facilities Manager

Community Development Department

Community Development Director

City Planner

Sr. Planner

Police Department

Chief of Police

Community Service Office

Police Officers

Parking Enforcement Officer

Reserve Officers

Animal Control Officers

Zoning Administrator

Fire Department

Fire Chief

Fire Marshal

Fire Inspector

Manager of Inspections/Building Official

Building Inspectors

Public Works Department

Director of Public Works

City Engineer

Assistant City Engineer

Project Engineer

Manager of Street Maintenance

Manager of Utility Operations

Foreman/Supervisor

Engineering Technician

Environmental Coordinator

Parks and Recreation Department

Director of Parks and Recreation

Parks and Recreation Manager

Park Planner

Tree Inspector

Park Ranger

Foreman/Supervisor

Community Center Managers and Coordinators

Assistant Weed Inspector

Forestry Technician

Source: Ordinance No.14-2007

Effective Date: 05-10-2007

Source: Ordinance No. 4-2004

Effective Date: 2-12-2004

Source: Ordinance No. 16-2008

Effective Date: 6-24-2008

SECTION 2.33. AUTHORITY TO OBTAIN CRIMINAL HISTORY INFORMATION.

Subd. 1. Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Subd. 2 and licensing described in Subd. 3.

Subd. 2. Applicants for City Employment:

- A. The City of Eden Prairie Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions unless the City Manager concludes that a background investigation is not needed: Individuals who are finalists for regular, full-time or part-time employment and paid on-call fire fighter positions with the City.

Subd 3. Applicants for City Licenses.

A. Criminal History License Background Investigations: The City of Eden Prairie Police Department Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city: Employees of entities licensed under the following Chapters and Sections of City Code:

1. Licensing under City Code Chapter 4 relating to beer, wine and liquor;
2. Licensing under City Code Section 5.35 relating to Tobacco- related products;
3. Licensing under City Code Section 5.37 relating to Peddlers, Solicitors and Transient Merchants;
4. Licensing under City Code Section 5.40 relating to Gambling;
5. Licensing under City Code Section 5.46 relating to Therapeutic Massage Enterprises and Therapists Regulation; and

Source: Ordinance No. 16-2015

Effective Date: 11-26-15

6. Licensing under City Code Section 5.71 relating to Pawnbrokers and Precious Metal Dealers.

Subd. 4. Access to Data: In conducting the criminal history background investigation in order to screen for the positions identified in Subd. 2 and licensing identified in Subd. 3, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring and licensing authority respectively, including the City Manager or other city staff involved in the hiring or licensing process.

Subd. 5. Consent of Subject: Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment or licensing on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment or license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for employment or licensure.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

Source: Ordinance No. 24-2012

Effective Date: 06-28-12

Source: Ordinance No. 19-2004

Effective Date: 7-29-2004

(Sections 2.34 through 2.79, inclusive, reserved for future expansion.)

SECTION 2.80. RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Manager or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Manager at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he deems pertinent to

the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his own motion or the motion of the appellant, the City Manager, or a member of the Council, adjourn the hearing to a more convenient time or place; but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening. No appeal is allowed to the City Council from any personnel decision.

Source: Ordinance No. 16-2012
Effective Date: 06-28-2012

SECTION 2.81. FACSIMILE SIGNATURES.

The Mayor, City Manager and Treasurer are hereby authorized to request a depository of City Funds to honor an order for payment when such instrument bears a facsimile of his signature and at least one manual signature of one of these three, and to charge the same to the account designated thereon or upon which it is drawn. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

SECTION 2.82. PERSONNEL RULES AND REGULATIONS.

The City Manager may promulgate personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time to time be amended.

Source: Ordinance No. 5-2004
Effective Date: 6-10-2004

SECTION 2.83. WORKER'S COMPENSATION.

All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

Source: City Code
Effective Date: 9-17-82

SECTION 2.84. SPECIAL ASSESSMENT POLICY.

The Council may, by resolution, adopt, from time to time amend, or repeal a special assessment policy to defer the payment of special assessments for any homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments.

Source: Ordinance No. 33-83
Effective Date: 8-5-83

SECTION 2.85. PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.

Subd. 1. Partial Prepayment of Assessments Permitted. After the adoption of an assessment roll pursuant to Minnesota Statutes, 1991, Chapter 429, and before certification of said assessment roll to the County Auditor, the City Treasurer, or other authorized official, is authorized and directed to accept partial prepayment of said assessment and reduce the amount certified to the County Auditor accordingly. Interest shall accrue upon to the date of payment of, and paid with, the partial payment except no interest shall be accrued and charged against any amount of a partial payment made within thirty (30) days from the adoption of an assessment. As provided by law, such partial prepayment may be accepted until November 30 of the year of the approval of the assessment roll.

Source: Ordinance No. 17-92
Effective Date: 6-26-92

Subd. 2. Scope. This Section shall apply to all assessment rolls which, on the effective date hereof, have been adopted by the Council but not yet certified to the County Auditor and to all assessment rolls subsequently adopted by the Council.

SECTION 2.86. DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions.

1. "Abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, 1990, Chapter 169, that has remained for a period of more than forty-eight (48) hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight (48) hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota Statutes, 1990, Chapter 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.
2. "Vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned motor vehicle.

C. Immediate Sale. 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 at public auction and shall not be subject to the notification, reclamation, or title provisions of this Subdivision.

D. Notice.

1. When an abandoned motor vehicle does not fall within provisions of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking; the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained; and the place where the vehicle is being held; shall inform the owner and any lienholders of their right to reclaim the vehicle under Subparagraph F of this Subdivision; and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Subdivision.
2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lienholder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by this Subdivision.

2. Nothing in this Subdivision shall be construed to impair any lien of a garagekeeper under the laws of this State or the right of the lien holder to foreclose. For the purposes of this subparagraph E "garagekeeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following one (1) published notice published at least seven (7) days prior to such action or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certification of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.
2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety (90) days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.

H. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.
2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.
3. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

Source: City Code
Effective Date: 9-17-82

Subd. 2. Disposal of Unclaimed Property.

- A. Definition. "Abandoned property" means tangible or intangible property, including cash and negotiable instruments that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least ninety (90) days and has been declared such by a resolution of the Council.

Source: Ordinance No. 38-85
Effective Date: 12-12-85

- B. Preliminary Notice. If the City Manager knows the identity and location of the owner, he shall serve written notice upon him at least thirty (30) days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Manager, notice shall also be served upon him. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of thirty (30) days from the date of such notice.

Source: City Code
Effective Date: 9-17-82

- C. Retention of Property for City Use or Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Manager shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state (1) that the property will be retained by the City for City use; or (2) that a sale of the property will take place and the time, place and manner of sale of all such property is designated in the notice; or (3) in the case of cash or negotiable instruments, that the cash will be paid into the General Fund of the City and negotiable instruments will be negotiated and the cash received therefore will be paid into the General Fund of the City. In the case of a sale of the property, such notice shall be published once at least three (3) weeks prior to sale. In all other cases, the notice shall be published once within three (3) weeks after the Council resolution declaring the property to be abandoned property. In the event of a sale of the property, sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned.

Source: Ordinance No. 38-85
Effective Date: 12-12-85

- D. In lieu of the procedures set forth in paragraph C of this subdivision, abandoned property may be disposed by a private sale through a nonprofit organization that has a significant mission of community service.

Source: Ordinance No. 37-97
Effective Date: 8-15-97

- E. In lieu of the procedures set forth in paragraph C of this subdivision, if property is found and delivered to City as found property by the finder, it may be returned to the finder if the following conditions are met: 1) the finder must give the owner notice personally or by certified mail, which is actually received, that the property came into the finder's possession more than six months ago and that ownership will be transferred to the finder at the end of 30 days if the owner does not claim the property; 2) if the name of the prior owner is not known, and cannot be ascertained with reasonable diligence, the finder must provide three weeks' published legal notice in the county where the property was located; 3) if the property has an estimated value of \$5,000 or less, the notice may be placed in one of two local newspapers; 4) if the property has an estimated value of more than \$5,000 the finder must place the notice in the *Star Tribune*; 5) the notice shall describe the property, state the location that it was found, and set forth the finder's telephone number; 6) the finder must notify the City whether the finder received any inquiries or claims; 7) the finder must submit proof of publication to the City; and 8) if the owner does not claim the property, the finder may claim the property after submitting to City an affidavit in which finder affirms that the owner did not claim the property. If the finder fails to claim the property from City within 250 days of the date that the finder submitted the property to City, City may dispose of the property pursuant to the procedures set forth in paragraph C of this subdivision. For purposes of this section, a finder is not a holder. A City employee who finds property and delivers it to City is not a finder for the purposes of this section and the property shall not be returned to him/her. When a City employee delivers found property to City, City shall follow the procedures set forth in paragraph C of this subdivision.

Source: Ordinance No. 2-2012
Effective Date: 1-26-2012

- F. Fund and Claims Thereon. All such cash and cash from the negotiation of such negotiable instruments and all proceeds from such sale shall be paid into the General Fund of the City and expenses thereof paid therefrom. In the event the property is retained by the City for City use, the property shall be used by the City only for public purposes of the City and not for any private use. The former owner, if he makes claim within eight (8) months from the date of publication of the notice herein provided and upon application and satisfactory proof of ownership, may, in the case of property retained by the City, have the property returned to him or her; or may be paid the amount of cash or negotiables; or, in the case of property sold, may be paid the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund. In the case of property retained by the City for City use or in the case of property held for sale by the City, the City will not be responsible for any diminution in value of or damage to the property during the period of time in which the property is in the City's custody and control.

Source: Ordinance No. 38-85

Effective Date: 12-12-85

Subd. 3. Disposal of Excess Property.

- A. Declaration of Surplus and Authorizing Sale of Property. The City Manager may, from time to time, recommend to the Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated and the City Manager authorized to dispose of said property in the manner stated herein.
- B. Surplus Property with a Total Estimated Value of Less than \$25,000. If the value of the surplus property is estimated to be \$25,000 or less, the City Manager may sell it either upon quotation or in the open market, in the discretion of the City Manager. If the surplus property is sold based upon quotation, the City Manager shall obtain, so far as practicable, at least two quotations which shall be kept on file for a period of at least one year after their receipt.
- C. Surplus Property with a Total Estimated Value Between \$25,000 and \$100,000. If the value of the surplus property is estimated to exceed \$25,000 but not to exceed \$100,000, the City Manager may sell the surplus property upon sealed bids or by direct negotiation, by obtaining two or more quotations for the sale when possible. All quotations obtained shall be kept on file for a period of at least one year after their receipt.
- D. Surplus Property with a Total Estimated Value Over \$100,000. If the value of the surplus property is estimated to exceed \$100,000, the City Manager shall solicit sealed bids by public notice in the manner and subject to the requirements of the law governing contracts by the City.

Source: Ordinance No. 2-2012

Effective Date: 1-26-2012

- E. Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.
- F. Notwithstanding any other requirement of this section, the City may contract to sell supplies, materials, and equipment which is surplus, obsolete, or unused using an electronic selling process in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment pursuant to Minnesota Statutes § 471.345 Subd. 17.

Source: Ordinance No. 2-2010

Effective Date: 1-28-2010

Subd. 4. Persons Who May Not Purchase - Exception.

- A. No employee of the City who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the City in a professional capacity may be a purchaser of property under this Section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one (1) week's published or posted notice of sale is given.
- B. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

Source: City Code
Effective Date: 9-17-82

SECTION 2.87. EMERGENCY MANAGEMENT.

Subd. 1. Emergency Management Act Adopted. The "Minnesota Emergency Management Act of 1996," Minnesota Statutes, 1996, Chapter 12, insofar as it relates to cities, is hereby adopted by reference as part of this Section, as fully as if set forth explicitly herein.

Subd. 2. Establishment of an Emergency Management Agency. There is hereby created within the City government an emergency management agency, which shall be under the supervision of a Director to be appointed forthwith by the Mayor. The Director shall have direct responsibility for the organization, administration and operation of said emergency management agency, subject to the overall direction and control of the Council.

Source: Ordinance No. 31-98
Effective Date: 10-16-98

SECTION 2.88. REPEALED.

Source: Ordinance No. 30-88
Effective Date: 9-29-88

SECTION 2.89. TASK FORCES.

Subd. 1. Establishment: The Council may from time to time establish specific Task Forces to study and report upon such subjects and matters as requested.

Subd. 2. Duties and Responsibilities: A Task Forces shall provide the Planning Commission, City Staff and Council, upon request by the Council or City Manager or designee, with advice on a temporary or interim basis on such subjects and matters as requested by the Council.

Subd. 3. Membership. Each Task shall consist of not less than five members.

Subd. 4. Regular Meetings. Each Task Force shall establish at its first meeting a schedule of regular meetings.

Source: Ordinance No. 8-2000
Effective Date: 3-16-2000

(Sections 2.90 through 2.98, inclusive, and reserved for future expansion.)

SECTION 2.99. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 9-17-82