

**CHAPTER 2 OPERATIONS AND ADMINISTRATION**

**Section 200 - City Elections**

**200.01 Definitions.**

**Subd. 1 City.** The City of Big Lake, County of Sherburne, State of Minnesota.

**Subd. 2 General Election.** A “general election” is an election held at regular intervals on a day determined by law at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

**Subd. 3 Special Election.** A “special election” is an election held at any other time permitted by statute to fill vacancies in municipal public offices which are held on dates pursuant to Minnesota Statute § 205.10, subd. 3a.

**Subd. 4 Vacancy.** A vacancy occurs for the reasons stated in Minnesota Statute §§ 351.02, 412.02, or other state law.

**200.02 Regular City Election.**

**Subd. 1 Date of Election.** The regular City Election shall be held biannually on the first Tuesday after the first Monday in November in every even numbered year.

**Subd. 2 Terms and Transition.**

- A. The Mayor shall be elected for a four (4) year term.
- B. Two (2) Council Members shall be elected for four (4) year terms at each biannual City Election.

**200.03 Special City Election.**

**Subd. 1 Special Election Timing.** If a vacancy occurs and a special election to fill the unexpired term is required pursuant to Minnesota Statute § 412.02, subd. 2a, or it is more than one year until the next regular city general election at the time the vacancy is declared, then a special election to fill the vacancy shall be held prior to the next regular city general election. The special election shall be held at the earliest date permitted by Minnesota Statute § 205.10, subd. 3a.

**Subd. 2 Appointment to Vacancy.** Pursuant to Minnesota Statute § 412.02, subd. 2a, a person shall be appointed by the Mayor and City Council to fill the vacancy until the special election is held and the winner of the special election is qualified to take office.

**Section 210 - The Council and Public Meetings**

**210.01 Mayor's Salary.** The salary of the Mayor of the City of Big Lake shall be \$500.00 per month (\$6,000.00 yearly).

**210.02 Council Member Salary.** The salary for each Council member of the City of Big Lake shall be \$400.00 per month (\$4,800.00 yearly).

**210.03 Workers' Compensation Coverage.** The City of Big Lake, Mayor and City Council members shall be covered by the City's Workers' Compensation Plan.

**210.04 Meetings.**

**Subd. 1 Regular Meetings.** Regular meetings of the Council shall be held on the second and fourth Wednesday of each calendar month at 6:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Council Chamber unless the Council decides otherwise at a prior meeting, or meeting in the City Council Chamber is impossible, then the new meeting location shall be posted.

**Subd. 2 Workshops.** Workshops of the Council shall be held on the second and fourth Wednesday of each calendar month beginning at 5:00 p.m. Any Workshops falling upon a holiday shall be held on the next following business day at the same time and place. All Workshops, including special and adjourned Workshops, shall be held in the City Council Chamber unless the Council decides otherwise at a prior meeting, or meeting in the City Council Chamber is impossible, then the new Workshop location shall be posted. Workshops can be cancelled due to a lack of discussion items. Cancellation Notices shall be given in accordance with State law.

**Subd. 3 Special Meetings.** The Mayor or any two members of the Council may call a special meeting of the Council upon at least 72 hours written notice to each member of the Council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with State law.

**Subd. 4 Emergency Meeting.** An emergency meeting may be called by the Mayor or any two members of the Council to discuss an item of such immediate importance that the City or the general public will be at risk if the Council were to delay discussion of the issue. Actual notice of the meeting must be attempted to be given to all members of the Council, and notice provisions of State law must also be met.

**Subd. 5 Initial Meeting.** At the first regular Council meeting in January of each year the Council shall:

- A. Designate the depositories of City funds;
- B. Designate the official newspaper;
- C. Choose one of the Council Members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- D. Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;
- E. Establish and appoint Council Members to such Council committees as are deemed appropriate for the efficient and orderly management of the City.

**Subd. 6 Public Meetings.** All Council meetings, including special and continued meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

**Subd. 7 Quorum.** At least a quorum of the Council shall be required at all meetings before any business may be transacted except that a group less than a quorum may adjourn a meeting as circumstances may require. A quorum shall be three Members of the Council.

#### **210.05 Presiding Officer.**

**Subd. 1 Who Presides.** The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. In the absence of both, the City Administrator shall call the meeting to order and shall preside until the Council Members present at the meeting choose one of their number to act temporarily as presiding officer.

**Subd. 2 Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

**Subd. 3 Appeal Procedure.** Any member may appeal to the Council 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 including the presiding officer.

#### **210.06 Minutes.**

**Subd. 1 Who Keeps.** Minutes of each Council meeting shall be kept by the City Clerk. In the Clerk's absence, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Clerk and can be accurately identified from the description given in the minutes.

**Subd. 2 Approval.** The minutes of each meeting shall be reduced to typewritten form, shall be signed by the City Clerk, and copies shall be delivered to each Council Member with the following regular Council meeting's agenda packet. At the next regular Council meeting following such delivery, approval of the minutes shall be considered by the Council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Council. If there is an objection, the Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

**210.07 Order of Business.**

**Subd. 1 Order Established.** Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the following order unless varied by the presiding officer:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Forum
5. Proposed Agenda
6. Consent Agenda
7. Business
8. Administrator's Report
9. Mayor & Council Reports and Comments/Questions
10. Other
11. Closed Session (only if needed)
12. Adjourn

**Subd. 2 Petitions and Agenda.** Petitions and other papers addressed to the Council shall be read by the City Administrator upon presentation to the Council, the presentation of a copy to each Council Member shall constitute a reading. All persons desiring to present new business before the Council shall inform the City Administrator at least seven days before said new

business is to be heard. The City Administrator may prepare an agenda of the new business for submission to the Council on or before the time of the next regular meeting.

**210.08 Voting.** The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to his/her name, shall be marked "Present-Not Voting".

**210.09 Ordinance, Resolutions, Motions, Petitions and Communications.**

**Subd. 1 Signing and Publication Proof.** Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed by the City Clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

**Subd. 2 Repeals and Amendments.** Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part shall set forth in full each amended section or subdivision as it will read with the amendment.

**210.10 Suspension or Amendment of Rules.** These rules may be suspended only by a two-thirds vote of the members present and voting.

**210.11 Hearings.**

**Subd. 1 General.** Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this Section.

**Subd. 2 Notice.** Every hearing shall be preceded by 10 days mailed notice to all persons entitled by law, ordinance or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this Subsection.

**Subd. 3 Conduct of Hearing.** At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made and such other matters as it deems necessary.

**Subd. 4 Record.** Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes.

**Section 220 - City Administrator**

**220.01 Position Created.** There is hereby continued the office of City Administrator which shall be subject to the control and direction of the Mayor and the City Council. References to the Administrator shall mean the City Administrator.

**220.02 Duties.** The City Administrator, under the control and direction of the Mayor and the City Council, shall be charged with the following duties:

- A. Supervise the management and the operation of the City office.
- B. Supervise the administration of the health, building, streets, water, sewer, engineering and police departments, the liquor store, and City parks.
- C. Supervise the method and manner of maintaining City accounts and for collection and payment of money within the limits provided by law and providing for periodic reports to the City Council.
- D. Perform all other duties assigned by the Council.

**220.03 Compensation.**

- A. The compensation to be paid to the City Administrator shall be set initially by Contract subject to approval by the City Council.
- B. Subsequent changes to the City Administrator’s compensation are to be negotiated at Contract review/renewal and/or implemented with the standard Cost of Living increases approved by the City Council.

**Section 230 - Fire Department**

**230.01 Fire Department Established.** There is hereby continued in this City a volunteer fire department consisting of a Chief, one or more Assistant Chiefs, not less than ten (10) members and as many more as deemed necessary.

**230.02 Appointment of Fire Chief.** The Chief shall be appointed through a selection process and approved by the Big Lake Township Board and City Council for a four (4) year term. The Chief's tenure of office shall depend upon his or her good conduct, his or her efficiency and the approval of the Joint Powers Board. The Chief may be removed from office only for just cause and after a fair and impartial hearing before the governing body of the Joint Powers Board of the Department upon ten (10) days written notice to the Chief.

**230.03 Duties and Powers of Chief.** The Chief shall be the administrative head of the fire department. In such position, it shall be his or her duty to:

**Subd. 1 Establish Management Organization.** Recommend the management organization of the department to the Joint Powers Board.

**Subd. 2 Control Apparatus.** Have control of all fire fighting apparatus and equipment and be solely responsible for its care and condition.

**Subd. 3 Budget Committee.** Head the Budget Committee of the department.

**Subd. 4 Prepare Long-Range Plans.** Prepare projections describing what the fire department should accomplish during periods of 1 to 5 years. These reports shall be adjusted as frequently as changing conditions dictate and shall include predicted annual budget requests for members and equipment as well as capitol expenditures.

**Subd. 5 Reports.** Make reports to the City Council or to the public as required by the Council.

**Subd. 6 Control Assignments.** Control work assignments so as to properly utilize the working forces of the department.

**Subd. 7 Training.** Insure the proper training of the members of the fire department. At least one (1) meeting of the fire department members and at least one (1) drill per month shall be held. Such meetings and drills may be held on the same night if sufficient time is allocated for each. Records shall be kept of the names and the number of the firefighters present at each meeting or drill, what each drill consists of, and any other pertinent information deemed necessary by the Council or the State Fire Marshall.

**Subd. 8 Ancillary Functions.** To perform such other functions as are necessary to properly administer the fire department and as may be assigned by the Council.

**Subd. 9 Lock Boxes.** Pursuant to the authority granted by the Minnesota State Fire Code, the Chief may, when he or she deems it necessary for potential life saving or firefighting purposes, order any apartment complex or other structure with a secured entry system to install a key box with appropriate keys inside to allow the fire department immediate access to the structure.

**230.04 Assistant Chief.** In the absence or disability of the Fire Chief, the Assistant Chief shall perform all the functions and exercise all the authority of the Chief. The assistant chief shall perform such other duties as the chief may from time to time direct. The assistant chief shall be appointed by the same process as the chief.

**230.05 Personnel.**

**Subd. 1 Officers.** All firefighters shall be appointed by the Council.

**Subd. 2 Qualifications.** The firefighter shall be able-bodied and not less than eighteen (18) years of age, and meet requirements set by the department's rules and regulations.

**Subd. 3 Present Member.** Persons who are members of the fire department at the time of the adoption of this Code shall not be required to serve a probationary period before receiving a firefighter's rating.

**Subd. 4 Compensation.** The members and officers of the fire department shall receive compensation as established from time to time by the Council by resolution.

**Subd. 5 Loss of Membership.** To be in and remain in good standing in the fire department, each officer, member, or probationary member shall attend at least fifty percent (50%) of the monthly meetings and at least fifty percent (50%) of the monthly drills held in any one year. In addition, no officer, member, or probationary member shall be absent from three (3) consecutive drills or calls, unless the absence is excused by the officer in charge. The failure to so attend shall be deemed sufficient cause for removal of the member from the fire department. Firefighters shall continue as members of the department during periods of good behavior, and may be removed by the Council only for cause after a public hearing; however, the fire chief shall have authority to suspend a member pending the public hearing. Unless otherwise required by law, a member shall receive no pay while suspended.

**230.06 Fire Marshall.** The responsibilities of this officer shall rest with the Fire Chief. He or she may perform the following duties himself or herself or delegate them to a subordinate. It shall be his or her duty to:

**Subd. 1 Enforce Ordinance.** Enforce ordinances or other laws directed toward fire prevention.

**Subd. 2 Inspect Premises.** Inspect, or cause to be inspected, all premises and cause the abatement or removal of all fire hazards. Pursuant to such duty to cause to be inspected all

premises he or she shall have the authority to obtain search warrants if such are necessary to accomplish the inspection; provided, that the applicable constructional requirements relating to the procurement of such search warrants in effect at the time of the inspections are met.

**Subd. 3 Investigate Fires.** Investigate, or cause to be investigated, the cause, origin, and circumstances of each fire occurring within the Fire District by which property has been destroyed or damaged when such destruction or damage exceeds one hundred dollars (\$100.00) except that all fires of unknown origin shall be investigated; and, he or she shall especially make investigation as to whether the fire was the result of carelessness, accident, or design. All investigations shall begin within at least two (2) days of the occurrence of the fire.

**Subd. 4 Make Reports.** Make such reports as may, from time to time, be required by the State Fire Marshall or the Council.

**230.07 Relief Association.** The members and officers of the fire department may organize into a relief association. Before any benefits provided from the Special Fund of such association are or become binding obligations of the City, they must first be ratified by the Council. Similarly, any by-law or articles of incorporation changes which affect the original benefits paid from the Special Fund shall not become binding on the City until ratified by the Council.

**230.08 Interference with Department.** It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the department in the discharge of its duties; and any person guilty of violating this Section shall be guilty of a misdemeanor.

**230.09 Minnesota State Fire Code.** The Minnesota State Fire Code (MSFC) and all amendments thereto, one copy of which is in file in the office of the City Clerk, is hereby adopted as the fire code for the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in this code, except as modified or amended by this ordinance, is hereby adopted and made a part of this ordinance as if fully set forth herein.

**Section 240 - Police Department**

**240.01 Establishment.** A police department is, by this Section, continued. The head of the department shall be known as the chief of police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to be paid members of the police department shall be fixed by the Council. Members of the department shall be appointed by the Council, and be licensed peace officers in the State of Minnesota.

**240.02 Chief of Police.** The office of Chief of Police is hereby continued. He or she shall be appointed by the Council and may be removed by the Council at will. The Chief shall be under the direct supervision of the City Administrator.

**240.03 Police Chief Duties.** The Chief of Police shall perform all the duties by law conferred upon him or her for the preservation of the public peace. He or she shall have control over his or her department and shall be solely responsible for its care and condition. He or she shall make a report quarterly to the City Council, as to the condition of the equipment and the needs of the police department. He or she may submit additional reports and recommendations at any meeting of the City Council and shall report suspensions by him or her or the police department at the first meeting of the Council following such suspensions. He or she shall be responsible for the proper training and discipline of the members of the police department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on, his or her discharge or retention.

**240.04 Records.** The Chief shall keep in a convenient form a complete record of his or her calls and arrests. Such record shall include the time of same, the location and such other information as he or she may deem advisable or as may be required from time to time by the City Council or applicable laws.

**240.05 Duties of Police.** Members of the police department shall enforce the laws applicable to the City, bring violators before the court and make complaints for offenses coming to their knowledge. Members of the police department shall serve processes on behalf of the City and shall serve such notices as may be required by the Council or other authority. When the City is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All such fees shall be paid into the City treasury.

**240.06 Uniform and Badge.** Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the department, the member shall immediately deliver to the City the badge, insignias, uniform (unless purchased by the officer by means of a clothing allowance or otherwise) and all other property of the City.

**240.07 Extra Police.** In case of riot or other law enforcement emergency, the chief of police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the chief of police.

**240.08 Police Reserve.**

**Subd. 1 Establishment.** There is hereby created within the police department a police reserve which shall consist of such number of volunteer members as the Council deems necessary. The police reserve shall be under the control and supervision of the chief of police. Members of the police reserve shall be appointed by the Council and may be removed by it at any time. They shall serve under the direction of the superior officers of the regular police force and such others as the chief may appoint from their own number.

**Subd. 2 Duties.** When assigned to duty by the chief of police, each police reserve member shall have the same authority, duties, and obligations as regular members of the police department including the authority to issue citations except as restricted in Subd. 5 of this Subsection. Individual members may be used as deemed necessary by the chief of police, but the entire police reserve shall not be called to duty except upon order of the Mayor.

**Subd. 3 Oath, Insignia.** Each police reserve member shall take the oath prescribed by Minn. Stat. § 358.05. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the chief of police may prescribe. Upon termination of membership, a member shall surrender to the City all City property issued to the member.

**Subd. 4 Personnel Rules.** Personnel code sections and rules applicable to regular employees of the City do not apply to members of the police reserve, but each such member shall be covered as a City employee under the workers' compensation insurance policy of the City.

**Subd. 5 Other Restrictions.** No member of the police reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No police reserve member shall make arrests upon a warrant unless accompanied by a regular police officer. Only police reserve members shall use such identification or otherwise represent themselves to be members of the police reserve. No police reserve member shall carry any firearm while on duty except as specifically authorized by the police chief.

**240.09 Employment Background Checks**

**Subd. 1 Applicants for City Employment**

A. 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 Section 240.09, subd.1B.

B. **CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS.** The Big Lake Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for all part-time or full-time employees of the City of Big Lake, applicants for employment, volunteers, independent contractors, and other positions that work with children or vulnerable adults, unless the city's hiring authority concludes that a background investigation is not needed.

1. In conducting the criminal history background investigation in order to screen employment applicants, 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 authority, including the City Council, the City Administrator, the City Clerk, or other designee involved in the hiring process.
2. 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 on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
  - i. The grounds and reasons for the denial.
  - ii. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
  - iii. The earliest date the applicant may reapply for employment.
  - iv. That all competent evidence of rehabilitation will be considered upon reapplication.

**240.10 Licensing/Permitting Background Checks**

**Subd. 1 Applicants for City Licenses/Permits**

- A. **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 licensing and permitting background checks.
- B. **CRIMINAL HISTORY LICENSE/PERMIT BACKGROUND INVESTIGATIONS:** The Big Lake 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/permits within the city, unless the city's licensing/permitting authority concludes that a background investigation is not needed:

1. All Liquor Licensing
2. All Lawful Gambling Permits
3. All Therapeutic Massage Licensing
4. All Peddler/Transient Merchant Permits
5. All Tobacco Licensing
6. All Taxi Service Permits
7. All Fireworks Permits
8. All Trash Hauler Permits
9. Any other Official City Licensing/Permitting

C. DATA ACCESS. In conducting the criminal history background investigation in order to screen license/permit applicants, 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.

1. 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.
2. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, the City Clerk, or other designee involved in the license approval process.

D. APPLICATION AUTHORIZATION. Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation.

1. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information.
2. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence.
3. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
  - i. The grounds and reasons for the denial.
  - ii. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
  - iii. The earliest date the applicant may reapply for employment.
  - iv. That all competent evidence of rehabilitation will be considered upon reapplication.

**Section 250 - Planning Commission**

**250.01 Establishment of Commission.** A City Planning Commission for the City of Big Lake is hereby continued. The Commission shall be the City Planning Agency.

**250.02 Members, Appointment, Term, Vacancies.**

**Subd. 1 Size and Appointments.** The Planning Commission shall consist of seven voting members. The seven members, one of which shall be a City Council Member, shall be appointed by the City Council and may be removed by a three-fourths vote of the Council. In addition, the City Administrator and the City Building Inspector shall be members ex officio, but neither shall have a vote.

**Subd. 2 Terms.** The members of the Commission shall be appointed for terms of four years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve with compensation as determined from time to time by the City Council. Compensation shall be based on attendance at the meetings of the Commission. Commission members shall be eligible to receive repayment for expenses incurred which are deemed as acceptable for reimbursement by the City Council.

**250.03 Organization, Meetings, Etc.**

**Subd. 1 Chairperson.** The Commission shall elect a chairperson from among its appointed members for a term of one year.

**Subd. 2 Meetings.** The Commission shall hold at least one regular meeting each month. From May through August, the Commission will hold two meetings, with the right to cancel a meeting due to lack of business items. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.

**Subd. 3 Reports.** On or before January first of each year the Commission shall submit to the City Council a report of its work during the preceding year.

**Subd. 4 Expenditures.** Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.

**250.04 Adoption of Program of Work.** Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in exercise of its powers and the performance of its duties. Such a program will include:

- A. An outline of data and information to be assembled as a basis of the City plan.
- B. An outline of subjects to be covered by the comprehensive City plan.
- C. An outline of types of procedure necessary to make the City plan effective. The Planning Commission may, by resolution, revise its program of work from time to time.

**250.05 Preparation of Comprehensive City Plan.** It shall be the function and duty of the Planning Commission to prepare, review, update, amend the plan from time to time and adopt a comprehensive City plan for the physical, economic and social development of the City, including, but not limited to, proposed public buildings, and other similar developments, the use of property, the density of population, and other matters relating to the development of the City. The comprehensive plan may also include a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. The plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the City as outlined in the Commission's program of work.

**250.06 Procedure for Adoption of Plan.**

**Subd. 1 Public Hearing.** Before adopting the City plan or any section of it, or any amendment thereof, the Commission shall hold at least one public hearing thereon, notice of the time, place and purpose of which shall be given by publication in the official City newspaper at least ten days before the day of the hearing. The adoption of the City plan or any section or amendment thereof shall be by resolution of the Commission, approved by a majority of all the members of the Commission. The Commission may from time to time propose to amend or add to the City plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicated that such amendment or addition is necessary.

**Subd. 2 Council Copy.** An attested copy of the plan or of any section, amendment, or addition to the City plan adopted by the Planning Commission shall be certified to the City Council.

**250.07 Procedure for Plan Effectuation.** Upon the adoption of the Comprehensive City Plan or any section or amendment thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect such plan or section or amendment thereof in order that the same will serve as a pattern and guide for the orderly physical, economic and social development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the City Plan. Such means shall consist of zoning regulations, regulations of the control of subdivision plats, an official map, coordination of the normal public improvements of the City, a long-term program of capital expenditures and such other matters as will accomplish the purposes of this Section.

**250.08 Zoning Ordinance.** At any time after the adoption of a land use plan for the municipality, the Planning Commission, for the purpose of carrying out the policies and goals of the land use plan, may and upon instructions by the City Council shall prepare a proposed ordinance and submit it to the City Council with its recommendations for adoption. No zoning ordinance or amendment thereto shall be adopted by the Council until a public hearing has been held thereon by the Planning Commission after a notice is given in accordance with Subsection 250.06.

**250.09 Official Map.**

**Subd. 1 Preparation.** After adoption of a major thoroughfare plan and a community facilities plan, the Planning Commission with the assistance of the City Engineer, may and upon instructions by the City Council shall prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon the map the land that is needed for future street purposes and as sites for other necessary public facilities and services within the City.

**Subd. 2 Adoption.** After the map has been prepared, it shall be submitted to the Council, which shall thereupon consider the map and may adopt it or any part of it with such amendments as it deems advisable. Before the adoption by the Council, a public hearing shall be held upon the proposal at least ten days after a notice of the time, place and purpose thereof has been published in the official City newspaper. After the map has been adopted by the Council and filed with the Register of Deeds, whenever any street or highway is widened or improved or any new street is opened, or interests in land for other public purposes are acquired by the municipalities, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of condition of the permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purpose.

**250.10 Plats.**

**Subd. 1 Council Approval.** Every proposed plat of land within the City, and those within two miles of the limits of the City when City services are to be extended to the plat outside the City limits, shall be submitted to the City Council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the City Council. Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use accordance with the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the law.

**Subd. 2 Commission Recommendations.** Before approving a plat, the City Council shall submit the same to the Planning Commission for its recommendations. The Planning Commission, within 45 days after any such plat has been referred to it by the City Council, shall act on the plat and shall make its recommendations with respect thereto. Such recommendations may consist of:

- A. Recommendation that the City Council approve the plat; or

B. Recommendation that the City Council disapprove the plat, in which case the recommendation shall include a statement of the specific reasons for the recommendation; or

C. Recommendation that the City Council approve the plat after specified changes or revisions are made, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the Planning Commission for its further consideration and recommendations before action thereon by the City Council.

**250.11 Procedure for Amendments.** No change shall be made in the Comprehensive City Plan or any portion thereof, or to regulations governing the platting of land, after the plans or regulations have been referred to the Planning Commission for report thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any such plans or regulations shall be adopted by the City Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the Planning Commission to report within forty-five days or such longer period as may be designated by the Council after such reference shall be deemed to be approval of the proposed change.

**250.12 List of Recommended Public Works.**

**Subd. 1 Submission of Lists.** Each officer, department, board or commission of or in the City whose functions include recommending, preparing plans for, or constructing public works may, at least three months before the end of each fiscal year, submit to the Planning Commission a list of the proposed public works recommended by such officer, department, board, or commission for the planning, initiation, or construction during the ensuing fiscal year. The Planning Commission may request from the local school district a similar list of its proposed public works and may prepare a coordinated program of proposed public works for the ensuing fiscal year. Such program may be recommended by the Commission to the Council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommending, planning or construction of the public works. A copy of the recommended program of public works shall be included in the annual report of the Planning Commission.

**Subd. 2 Compliance with Plan.** After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the City Council, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency or political subdivision concerned, until the proposed acquisition, disposal or improvement is found to be in compliance with the Comprehensive Municipal Plan. Failure of the Planning Agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the City Council shall be deemed to have satisfied the requirements of this Subdivision. The City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of this Subdivision when in its judgement it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the Comprehensive Municipal Plan.

**Section 260 - Civil Defense**

**260.01 Policy and Purpose.**

**Subd. 1 Insure Preparedness.** Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from tornado, fire, flood, earthquake or other natural causes, and in order to insure that preparations of Big Lake will be adequate to deal with such 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 Big Lake, it is hereby found and declared to be necessary:

- A. To establish a local department of civil defense;
- B. To provide for the exercise of necessary powers during civil defense emergencies;
- C. To provide for the rendering of mutual aid between Big Lake and other political subdivisions of this State or other counties with respect to the carrying out of civil defense functions.

**Subd. 2 Coordination.** It is further declared to be the purpose of this Section and the policy of Big Lake that all civil defense functions of Big Lake be coordinated to the maximum extent practicable with the comparable functions of the Federal Government, of this State, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower resources and facilities for dealing with any disaster that may occur.

**260.02 Definitions.**

**Subd. 1 Civil Defense.** "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile enemy actions, or from fire, flood, earthquake, tornado, or other natural causes. These functions include without limitation, firefighting services, police services, medical and health services, rescue engineering, air-raid warning services, communications, radiological, and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions as written in State law, Minn. Stat. 12.03, Subd. 1.

**Subd. 2 Civil Defense Emergency.** "Civil Defense Emergency" shall mean an emergency declared by the Governor under Minn. Stat. 12.31, pertaining to enemy attack, or "Civil Defense Emergency" shall mean an emergency declared by the Mayor of Big Lake.

**Subd. 3 Civil Defense Forces.** "Civil Defense Forces" shall mean any personnel employed by Big Lake and any other volunteer or paid member of the local Civil Defense Department engaged in carrying on Civil Defense functions in accordance with the provisions of this ordinance or any rule or order thereunder.

### **260.03 Civil Defense Department.**

**Subd. 1 Establishment.** There is hereby continued within Big Lake Government a Department of Civil Defense which shall be under the supervision and control of a Director of Civil Defense. The Department of Civil Defense shall be organized into such divisions and bureaus, consistent with State and local civil defense plans, as the director deems necessary to provide for efficient performance of local civil defense functions during a civil defense emergency. The Civil Defense Department shall perform civil defense functions within the City limits and in addition shall conduct such functions outside the City limits as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 as amended.

**Subd. 2 Director.** The director shall be appointed by the Mayor with approval of the Council and shall serve for a term collateral to the Mayor's term or two years, whichever is less. The director may be reappointed. In a civil defense emergency, the director may be summarily removed or suspended by the Mayor or his or her successor. At other times, he or she may be removed at will upon decision of the City Council. The Council shall provide for the directors salary by resolution and necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the Civil Defense Department, subject to the direction and control of the City Council. When the director is removed summarily as aforementioned, he or she shall have a hearing within 60 days of his or her summary dismissal, to present his or her case, or sooner if possible, depending on the length and severity of the disaster during his or her summary dismissal.

### **Subd. 3 Powers and Duties of the Director.**

A. The director, with the consent of the City Council, shall represent Big Lake on any regional or State organization for civil defense. He or she shall develop proposed mutual aid agreements with other political subdivisions within the State for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he or she shall present such agreements to the Council for its action. Such arrangements shall be consistent with the State Civil Defense Plan and during a civil defense emergency, it shall be the duty of the Department of Civil Defense and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements.

B. The director shall make such studies and surveys of the manpower, industries, resources, and facilities of Big Lake as he or she deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency. He or she shall report to the City Council annually at a regular Council meeting for February of each year, or at their request, other times.

C. In accordance with the State and Big Lake Civil Defense Plan, the director, shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the Big Lake Civil Defense Plan in time of a civil defense emergency. He or she may, from time to time, conduct such practice air raid alerts or other civil defense exercises as he or she may deem necessary with approval of the City Council.

D. The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of Big Lake to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local department, in cooperation with and under the direction of the director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his or her department.

E. The director shall carry out all orders, rules, and regulations issued by the governor with reference to civil defense.

F. The director shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with the controlling regulations and instructions of State civil defense authorities. The heads of departments shall be governed by his or her orders in respect thereto.

G. Consistent with the civil defense plan the director shall provide and equip at some suitable place in the City, a control center which is required by the State Civil Defense Plan, to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. He or she shall arrange for representation at the control center of City departments, public utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He or she shall arrange for the installation at the control center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of City services and other agencies concerned with civil defense and for communications with other communities and control centers, within the surrounding area and with the Federal, State and county agencies concerned.

**Subd. 4 General Provisions on Civil Defense Workers.**

A. Each person who is appointed to serve in the Civil Defense Department shall, before entering upon his or her duties, take an oath in writing before any officer of the State Department of Civil Defense or the local director. The oath shall be substantially in the form described by Minn. Stat. 12.43, as the same may be subsequently amended.

B. A civil defense volunteer shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation for their services.

C. Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in the form and style approved by the Federal Government. No volunteer shall exercise any authority over the persons or property of others without his or her identification of a volunteer or otherwise represent himself or herself to be an authorized volunteer.

**260.04 Declaration of Emergency.** The Mayor, or in his or her absence, the acting Mayor, shall declare a local Civil Defense Emergency. The director shall be consulted and his or her opinion strongly weighed before the above mentioned declaration is executed whenever time permits.

**260.05 Emergency Regulations.**

**Subd. 1 Promulgation.** Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Mayor or his or her successor may by proclamation promulgate regulations, consistent with applicable Federal or State law or regulations, regarding the protection against air raids; the sounding of air raid alarms; the conduct of persons and the use of property during alarms, the repair, maintenance, and safe-guarding of essential public services, emergency health, fire, and safety regulations, trial drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health and welfare in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms, or illumination during air attacks shall be adopted or take effect unless approved by the State director of civil defense.

**Subd. 2 Form.** Every proclamation of emergency regulations shall be in writing and signed by the Mayor for the City Council, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations and their availability for inspection at the City Administrator's office shall be conspicuously posted at the front of the City Hall or other headquarters of the City and at such places in the affected area as the

Mayor shall designate in the proclamation. Thereupon the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the Mayor or the City Council may modify or rescind any such regulation. Such regulation affecting limits outside the City shall always require Council approval. The director's opinion should be weighed heavily in reaching a decision.

**Subd. 3 Rescinding or Expiration.** The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with any emergency regulation promulgated by the Mayor and Council shall be suspended during the period of time and to the extent that such conflict exists.

**Subd. 4 Council Powers.** During a civil defense emergency, the City Council is, notwithstanding any statutory or charter provision to the contrary, empowered, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of the disaster. Any regulation affecting limits outside the City shall always require Council approval. The director's opinion should be weighed heavily in reaching a decision in accord with Minn. Stat. 12.25 (3). The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities, prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditures of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of call for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

**260.06 Finances.** There is hereby continued an account in the general fund to be known as the Civil Defense Account. Into this account shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the Civil Defense Department. From it shall be made expenditures for the operation and maintenance of the Civil Defense Department and other expenditures for civil defense. Regular accounting, disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the Civil Defense Fund insofar as practicable.

**260.07 Conformity and Cooperation with Federal and State Authority.** Every officer and agency of Big Lake shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this Section and of all regulations made thereunder shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict.

**260.08 Extra Police.** The City Council with the cooperation of the Chief of Police may appoint any qualified person holding a position in any agency created under Federal or State authority for civil defense purposes as a special police officer of the City, with such police powers and duties within the City indicant to the functions of his or her position, not exceeding those of a regular police officer of the City, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the Chief of Police and such other police officers of the City as the Chief may designate. The appointment of special police officers shall be limited to a situation where a declared Civil Defense Emergency is declared in accord with this Section.

**260.09 Liability.** The liability of the City shall be in accord with the statutory and case law of the State of Minnesota, for its actions under the Civil Defense Act. 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 Section or under the Workers' Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

**260.10 Penalty.** Any person who violates any provision of this Ordinance or of any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of City officers or employees shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days.

**Section 270 - City Engineer**

**270.01 Establishment.** There is hereby continued the office of the City Engineer which shall be subject to the control and direction of the City Council. The City Engineer shall be registered or licensed under the laws of the State of Minnesota.

**270.02 Duties and Powers.** The City Engineer shall be charged with the following duties:

A. The City Engineer shall assemble or prepare such plans, specifications, blueprints, surveys, plats, reports, maps, profiles, charges, estimates, assessment rolls and other records relating to public property or improvement as the Council may by ordinance or resolution direct.

B. The City Engineer shall inspect and supervise all construction, installation, repair and maintenance projects undertaken by or on behalf of the City and shall take such measures with respect thereto as may be necessary to safeguard the interest of the City and to insure compliance with plans and specifications, ordinances, rules, regulations and laws pertaining to such projects.

C. The City Engineer shall consult with, advise and assist the City Council and all other officials of the City on matters relating to engineering.

D. The City Engineer shall keep for the City a record of the following: real property belonging to or used by the City; plats of land within the City; traffic and street signs; street lights; grades and surfaces of streets; public improvements within the City; special assessments; costs of construction of public improvements; plats of the sewers and water lines of the City; specifications for all street improvements, and such other records, plans, specifications, blueprints, surveys, estimates, reports, profiles, charges and assessment rolls that may be assembled or prepared by or on behalf of the City which pertain to public improvements or property of the City.

The foregoing list of duties shall not be regarded as exclusive but the office of the City Engineer shall have such other duties related or incidental thereto as may be necessary for the proper operation thereof, including the direction of improvements to and maintenance of the City streets and the operation of the City and sewage systems.

**Section 280 - Abandoned Property**

**280.01 Abandoned Motor Vehicles.**

**Subd. 1 Impoundment and Sale.** The City police department shall take into custody and impound any abandoned or unauthorized motor vehicle as defined by Minn. Stat. § 168B.02. It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

**Subd. 2 Disposition of Proceeds.** The proceeds of the sale of an abandoned or unauthorized motor vehicle shall be placed in the general fund of the City. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice, and publication costs incurred in its handling.

**280.02 Other Abandoned Property.**

**Subd. 1 Procedure.** All other property lawfully coming into the possession of the City shall be disposed of as provided in this Section.

**Subd. 2 Storage.** The department of the City acquiring possession of the property shall arrange for its storage. If City facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

**Subd. 3 Claim by Owner.** The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

**Subd. 4 Sale.** If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the City after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

**Subd. 5 Disposition of Proceeds.** The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

**Section 290 - Personnel Policies and Criminal Histories**

The City shall maintain a Personnel Policy which they shall revise from time to time as may be necessary. All individuals seeking employment with the City shall submit to criminal history check, conducted by the Big Lake Police Department.