

CHAPTER 33: CITY ORGANIZATIONS

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GENERAL PROVISIONS

§ 33.01 DEPARTMENTS GENERALLY.

(A) *Control.* All departments of the city are under the overall control of the Council. Heads of all departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

(B) *Appointment.* All department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the city.

(C) *Compensation.* All wages and salaries shall be fixed and determined by the Council.

(Prior Code, § 2.30)

DEPARTMENTS

§ 33.15 POLICE DEPARTMENT.

A Police Department is hereby established. The head of this Department shall be known as the Chief of Police, and the number of additional members and employees of the Police Department shall be determined by the Council which may be changed from time-to-time. The Mayor shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when, in his or her judgment, an emergency exists for the preservation of life or property. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform the duties as are required of them by the Council or by law. The Chief of Police shall have overall supervision and management of the Police Department and custody of all property used and maintained for the purposes of the Department. The Chief of Police shall make and file the reports as may be required by the Council.

(Prior Code, § 2.31)

BOARDS AND COMMISSIONS

§ 33.35 PARKS AND RECREATION COMMITTEE.

(A) *Establishment of a Parks and Recreation Committee.* There is hereby established a Parks and Recreation Committee referred to as the Committee.

(B) *Composition.*

(1) *Membership.* The Committee shall be composed of not less than five or no more than seven members appointed by the Mayor with the approval of a majority of the City Council. Members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. Members shall be appointed as follows. When a vacancy occurs or is about to occur, applications shall be requested from the residents of the city. All applications shall be submitted to the Mayor for review and recommendation and shall be presented to the Council for approval. Membership shall include one member from the City Council, as a council liaison.

(2) *Terms.* Terms of office for members other than the City Council

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representative shall be for three years, provided that in the first establishment of the Committee, two members shall be appointed for terms of three years, two members for a term of two years and the remainder shall be appointed one-year terms.

(3) *Removal from office.* Any member of the Committee may be removed from office for just cause and on written charges by four-fifths vote of the City Council, but the member shall be entitled to a public hearing before the vote is taken. In addition, any member absent from three consecutive regular meetings or five meetings in one year shall be deemed to have forfeited his or her seat upon declaration of the Mayor and a vacancy shall exist without formal removal proceedings. It shall be the duty of the Chairperson of the Committee to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill the vacancies within 60 days from notification.

(C) *Organization.*

(1) *Officers.* The officers of the Committee shall be elected by the members of the Committee at the first regular meeting of each year. The Committee shall elect a Chairperson and a Vice-Chairperson from among its members and may create the other offices as it may determine. Terms of elected offices shall be for one year with eligibility for re-election.

(2) *Clerk-Treasurer and Recording Secretary.* The City Clerk-Treasurer shall serve as the Clerk-Treasurer and Recording Secretary of the Committee but shall not be a voting member. The Secretary shall record and transcribe a record of attendance, testimony, findings and determinations including the vote of each member. The records of the Committee shall be a public record.

(3) *Rules.* The Committee shall be governed and operate by rules adopted by the Committee. The Committee may adopt additional rules and procedures as are necessary for the orderly conduct of its business.

(4) *Meetings.* The Committee shall schedule one regular meeting each month and meet when determined necessary. Special meetings may be held at any time upon the call of the chair. Notice of the time and place of a special meeting shall be communicated to the members and publicly noticed at least three days prior to the meeting except in the event of emergency. All Committee meetings shall be open to the public.

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(5) *Committees.* The Committee may establish committees and subcommittees from its membership to serve in an advisory capacity to assist the Committee in the conduct of its business.

(D) *Appropriations.* The City Council may make available to the Committee the appropriations as it may see fit for compensation, fees and expenses necessary in the conduct of the work of the Committee including, but not limited to, necessary travel, per diem and other expenses while on official business for the Committee. Subject to the approval of the City Council and within limits set by appropriations or other funds made available, the Committee may employ the staff, technicians and experts as may be deemed proper and may incur the other expenses as may be necessary for the conduct of its affairs. The Committee shall have authority to expend all sums so appropriated and made available for its use from grants, gifts and other sources for the purposes and activities authorized by this section.

(E) *Purpose, duties and powers.*

(1) *Purpose.* The Committee is established to review and to make recommendations to the City Council on the development and organization of the city parks, trails and recreation programs.

(2) *Duties.* The Committee shall prepare, hold hearings on and recommend to the City Council the plans, programs and policies as it deems necessary to carry out the purposes of this section. The powers shall include, but not be limited to, the study of and recommendations to the City Council on the following:

(a) To hold meetings of its members to consider matters pertaining to parks, trails and public recreation programs in the city as directed by the Council or as the members of the Committee themselves deem proper;

(b) To recommend capital park and trail projects to Council subject to available funding sources;

(c) To recommend policies affecting the use of the city's parks and trail systems;

(d) To allocate park fields in a fair and equitable manner based on recommendations from users and city staff;

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(e) To work with a variety of organizations to ensure the offering of an appropriate array of recreation opportunities for the youth and adults of the city;

(f) To assist in the preparation of a comprehensive plan for the future development of the city's parks, recreation amenities and trail systems to be submitted to the City Council for implementation, to maintain the plan and recommend amendments to the plan to the City Council as may become necessary or desirable;

(g) To act in an advisory capacity to the Council in all matters relating to parks, recreation and trail programs in the city;

(h) To assist in the procurement of land and review the retaining of parcels for necessary open space; and

(i) To carry out any other plans and programs as may be assigned by the City Council from time to time.

(3) *Park Committee.* The Committee shall not be considered a Park Committee under state law and shall have no powers to acquire or lease land, employ personnel or enter into contracts or leases, or any similar powers authorized for a Park Committee by state law.

(4) *Powers.* All city employees shall, upon request and within a reasonable time, furnish to the Committee or its agents the available records or information as may be required in its work. The Committee or its agents may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized city agents or employees, and shall have the other powers as are required for the performance of official functions in carrying out the purposes of this section.

(Prior Code, § 2.35) (Ord. 05-01-07, passed 5-7-2007, Ord. 10-20, 3rd Series, passed 12-06-2010)

§ 33.36 PLANNING COMMISSION.

(A) *Appointments.* On January 2 in each year, or soon thereafter as the Council shall meet, the Mayor, by his or her own recommendation or recommendation of a committee comprised of the City Administrator, Planning Commission chair and a

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member of the City Council so designated, shall make appointments for three-year terms of office to reappoint or replace members whose terms have expired.

(B) *Organization.* The officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting thereof in January of each year. Notice of a meeting for the election of officers shall be given the members of the Planning Commission at least seven days prior to the meeting and election. The officers shall consist of a Chairperson, a Vice-Chairperson and a Secretary-Treasurer. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage; on the officers as well as any other duties specified in the City Code. The Vice-Chairperson shall act for the Chairperson in his or her absence. Members of the Planning Commission in attendance may choose a Chairperson for the meeting or hearing if the Chairperson and Vice-Chairperson are both absent. The City Clerk-Treasurer shall preside for the election of officers until a Chairperson shall have been elected and takes up his or her office as Chairperson. Nominations for officers shall be made from the floor. The election for each office shall be voted on separately. A candidate for office who receives a majority of votes cast shall be declared elected and shall serve until the following January election or until his or her successor shall take office. Vacancies in offices of the Planning Commission shall be filled immediately by the same procedure.

(C) *Quorum.* A quorum for any meeting or hearing of the Planning Commission shall be a majority of the members of the Planning Commission.

(D) *Meetings.* The Planning Commission shall schedule not less than one regular meeting in each calendar month. Regularly scheduled meetings shall take place when deemed necessary. Special meetings may be held as provided for herein. The Planning Commission shall set the meeting times for all regular meetings. Special meetings may be called by the Chairperson on five-days' written notice mailed to each member. Special meetings shall be called by the Chairperson of the Planning Commission at the written request of three members of the Planning Commission within five-days' notice, if at least four members of the Planning Commission agree to waive of notice. All meetings of the Planning Commission shall be held in the City Hall and shall be open to the public.

(E) *Meeting procedure.* The Planning Commission may set the rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed

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by *Roberts' Rules of Order*, revised, as may be necessary for the proper conduct of the business of the Planning Commission.

(F) *Compensation.* The members of the Planning Commission may receive the compensation for per diem and expenses as may be allowed by the Council.

(G) *Powers and duties.* The Planning Commission shall have the power and duties as allowed by statute or regulation of the State of Minnesota and as allowed by City Code provisions.

(H) *Clerk-Treasurer and Recording Secretary.* The Clerk-Treasurer shall serve as the Clerk-Treasurer and Recording Secretary of the Planning Commission but shall not be a voting member thereof. All testimony at any hearing held by the Planning Commission shall be recorded or transcribed. The duties as Clerk-Treasurer and Recording Secretary shall be as prescribed by the Planning Commission.

(Prior Code, § 2.40) (Ord. 06-3-06, passed 6-5-2006, Ord. 10-20, 3rd Series, passed 12-06-2010)

§ 33.37 BOARD OF ADJUSTMENT.

Editor's note: *The Board of Adjustment is provided for in § 153.116 of the City Code.*

(Prior Code, § 2.41)

§ 33.38 CEMETERY COMMISSION.

(A) *Establishment and composition.* A Cemetery Commission is hereby established. The Commission shall be composed of not less than five members and no more than seven members appointed by the Mayor with the approval by a majority of the City Council. At the inception of the Commission, the Council shall appoint two members for a three-year term, two members for a two-year term and three members for a one-year term. Thereafter on January 2 each year, the Mayor shall make appointments for three-year terms of office to reappoint or replace members whose terms have expired. At any time the Mayor may appoint members to serve for an unexpired term of office of a member who has left the office for any reason. Membership on the Cemetery Commission shall include one member designated as the City Council liaison.

(B) *Organization.* The officers of the Cemetery Commission shall be elected by the members of the Cemetery Commission at a regular meeting thereof in January of each

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year. Notice of a meeting for the election of officers shall be given the member of the Cemetery Commission at least seven days prior to the meeting and election. The officers shall consist of a Chairperson, a Vice-Chairperson and a Secretary-Treasurer. The Chairperson shall preside at all meetings of the Cemetery Commission and shall have the duties normally conferred by parliamentary usage; on the officers as well as any other duties specified in the City Code. The Vice-Chairperson shall act for the Chairperson in his or her absence. Members of the Commission in attendance may choose a Chairperson for the meeting if the Chairperson and Vice-Chairperson are both absent. The City Clerk-Treasurer shall preside for the election of officers until a Chairperson shall have been elected and takes up his or her office as Chairperson. Nominations for officers shall be made from the floor. A candidate for office who receives a majority of votes cast shall be declared elected and shall serve until the following January election or until his or her successor shall take office. Vacancies in offices of the Cemetery Commission shall be filled immediately by the same procedure.

(C) *Quorum.* A quorum for any meeting or hearing of the Cemetery Commission shall be a majority of the members of the Cemetery Commission.

(D) *Meetings.* The Cemetery Commission shall hold meetings as necessary. Meetings shall be called by the Chairperson of the Cemetery Commission or Clerk-Treasurer on five-days' written notice mailed to each member and posted. All meetings for the Cemetery Commission shall be held in the City Hall or as posted and shall be open to the public.

(E) *Meeting procedure.* The Cemetery Commission may set the rules and procedures as are necessary for the orderly conduct of its business.

(F) *Compensation.* The members of the Cemetery Commission may receive the compensation for per diem and expenses as may be allowed by the Council.

(G) *Powers and duties.* The Cemetery Commission shall have the powers and duties as allowed by statute or regulation of the State of Minnesota and as allowed by City Code provision. The Cemetery Commission shall adopt rules and regulations as approved by the City Council for the orderly operation of the cemetery which may from time to time be amended.

(1) *Personal property.* The Commission, subject to budgetary constraints, may acquire or arrange for the necessary equipment to establish, construct, enlarge,

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improve, maintain, equip, operate and regulate the cemeteries of the city, including incidental recreational facilities located therein. The Commission may lease space, area or improvements with approval of the city council and grant privileges for cemetery or recreational purposes or purposes incidental thereto.

(2) *Professional services.* The Commission, subject to City Council approval shall have authority to hire professional services (within budget) that may be necessary in accomplishing the purposes for which it was appointed.

(3) *Budget.* The Commission shall each year prepare a budget for cemetery finance for the ensuing calendar year. The budget shall be balanced or show more revenues than expenses. The budget shall follow a format as established by the City Council. The budget shall be submitted no later than September 1 to the City Council. The final decision of the City Council as to the requested budget shall be reported back to the Commission in a timely fashion. The budget, as finally established and approved by the Commission, shall control the year's spending program. Funds received through donations or fund raising may be spent upon the approval of a quorum of members of the Cemetery Commission. Expenditures of these funds in excess of \$1000 shall require approval of the City Council. Commission shall not itself levy taxes or borrow money; and it shall not approve any claims or incur any obligations for expenditures unless there is unencumbered cash in the appropriate cemetery fund for the credit of the Commission with which to pay the same.

(4) *Finance.* For the purpose of financing the necessary expenditures in carrying out the provisions of this agreement, there is hereby created in the city accounts and treasury, a special fund to be called the Cemetery Fund. All receipts belonging to the Commission shall be deposited intact in a bank account to the credit of the Cemetery Fund and no disbursements shall be made from this bank account except by check nor unless a verified claim for services and commodities actually rendered or delivered has first been submitted to and for payment by the Commission as authenticated by signatures of a representative of the City Council. The city shall account for this fund and the custody of the cash and the bank accounts shall be in the hands of the City Treasurer. These officers shall make reports to the Commission at reasonable intervals as determined by the Commission. For purposes of budgeting, accounting and reporting, the fiscal year for the Commission and the Fund shall commence on January 1. An audit of the fund shall be made annually. The audit may be made independently of or in conjunction with any audit which may be made of the funds of the city. The Cemetery Commission shall maintain employee dishonesty

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insurance coverage for all employees of the Cemetery Commission.

(5) *Reports.* The Commission shall as soon as possible after the end of each calendar year, prepare and present to the City Council, a comprehensive annual report of its activities. The Commission shall also prepare and present other reports as may be required by law, regulation or contract.

(6) *Sale of markers.* The Cemetery Commission has the powers and duties as allowed by statute or regulation of the State of Minnesota and as allowed by City Code provisions. Specifically, state statute gives cities the authority to hold and manage cemetery grounds, to enclose, lay out and ornament such grounds and sell and convey lots therein. Implied within this authority is the ability to make available for sale uniformly sized, lettered and colored grave markers. It is the desire of the Cemetery Commission to make available for sale uniform grave markers; standards for which are currently included in the rules and regulations, as amended from time to time. The city's fee for this service will be reflected in the fee schedule for the cemetery, as approved by the City Council. The city also recognizes the obligation in providing this service for a fee to remit the proper sales tax and user fees as collected to the respective taxing jurisdiction. It shall be the City Clerk's responsibility to collect and transmit the applicable fees and taxes. Nothing in this division shall otherwise limit the city's ability to provide markers for sale in soliciting proposals from wholesale marker companies.

(H) *Clerk-Treasurer and Recording Secretary.* The Clerk-Treasurer shall serve as Recording Secretary of the Cemetery Commission but shall not be a voting member thereof. All testimony at any hearing held by the Cemetery Commission shall be recorded and transcribed. The duties of the Clerk-Treasurer and Recording Secretary shall be as prescribed by the Cemetery Commission.

(Ord. 05-03-07, passed 5-7-2007; Ord. 03-01-09, passed 3-2-2009, Ord. 11-11, 3rd Series, passed 8-01-2011)

§ 33.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.