

CHAPTER II - OPERATIONS AND ADMINISTRATION

Part 1. The Council

Sec. 201.01. MEETINGS

- Subd. 1. Regular Meetings - Regular meetings of the council shall be held on the first Monday of each calendar month at 7:00 o'clock p.m. and on the third Monday of each month at 5:00 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 hall unless the council decides otherwise at a prior meeting, or meeting in the city hall is impossible.
- Subd. 2. Special Meetings - The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with state law.
- Subd. 3. 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.
 - (f) Update the city fee schedule for all fees.

- Subd. 4. Public Meetings - All council meetings, including special and adjourned meetings and meetings of council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

Sec. 201.02. 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 clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.
- 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. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order, Revised.
- 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.

Sec. 201.03. MINUTES

- Subd. 1. Who Keeps - Minutes of each council meeting shall be kept by the 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 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 clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

Sec. 201.04. ORDER OF BUSINESS

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

- (a) Call to order
- (b) Approval of minutes
- (c) Consent agenda
- (d) Petitions, requests, and communication
- (e) Public hearings
- (f) Ordinances and resolutions
- (g) Reports of officers, boards, and committees
- (h) Unfinished business
- (i) New business
- (j) Miscellaneous
- (k) Adjournment

Subd. 2. Petitions and Agenda - Petitions and other papers addressed to the council shall be read by the clerk upon presentation of the same to the council. All persons desiring to present new business before the council shall inform the clerk thereof at least 24 hours before

said new business is to be heard. The clerk may prepare an agenda of said new business for submission to the council on or before the time of the next regular meeting.

Sec. 201.05. 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. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting."

Sec. 201.06. ORDINANCES, RESOLUTION, 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 clerk, and filed by the 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 thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution of part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

Sec. 201.07. SUSPENSION OR AMENDMENT OF RULES

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

Sec. 201.08. SALARIES OF MAYOR AND COUNCIL MEMBERS

The salary of the mayor shall be \$70.00 per meeting and the salary of each council member shall be \$50.00 per meeting. A council member's salary and compensation for special meetings as allowed by 201.09 shall not exceed \$1,600.00 per year. The mayor's salary and compensation for special meetings as allowed by 201.09 shall not exceed \$2,080.00 per year.

Sec. 201.09. ADDITIONAL SPECIAL MEETING COMPENSATION

The mayor and each council member shall receive, in addition to their regular compensation, \$50.00 for each special meeting of the council which they attended.

Part 2. Police Department

Sec. 202.01. ESTABLISHMENT

A police department is hereby continued as the same is now operating through the Joint Powers Agreement with the city of Welcome, Minnesota.

The head of the Sherburn/Welcome Police 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 Police Commission of Sherburn and Welcome. The compensation to be paid members of the Police Department shall be fixed by the Police Commission of Sherburn and Welcome. Members of the Police Department shall be appointed by the Police Commission of Sherburn and Welcome.

Sec. 202.02. CHIEF OF POLICE

The chief of police shall have supervision and control of the police department and its members. The chief shall be responsible to the Police Commission of Sherburn and Welcome for law enforcement and for property of the city used by the department. The chief shall be responsible for the proper training and discipline of the members of the department. The chief shall be responsible for the keeping of adequate records and shall report to the council on the needs of the department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The Police Commission of Sherburn and Welcome may designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during an absence or disability.

Sec. 202.03. 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 for town constables. All such fees shall be paid into the Treasury of the Police Commission of Sherburn and Welcome.

Sec. 202.04. 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, uniform, and all other property of the city.

Sec. 202.05. EXTRA POLICE

In case of a 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. The special police officer shall be a licensed peace officer.

Part 3. Police Commission of Sherburn and Welcome

Sec. 203.01. GENERAL PURPOSE

The purpose for establishing this commission and these procedures is to insure effective oversight of law enforcement within the jurisdictions involved in joint policing through the joint powers agreement. The procedures found within will delineate actions to be taken with regards to the flow of information, directives and resolution of the internal affairs and personnel issues as they relate to the joint police department.

Sec. 203.02. ESTABLISHMENT OF POLICE COMMISSION OF SHERBURN AND WELCOME

A Police Commission of Sherburn and Welcome is hereby established to advise the City council on police and public safety matters. The membership terms and other rules of the Police Commission shall be established by a joint powers agreement between the cities of Sherburn and Welcome.

Part 4. Fire Department

Sec. 204.01. FIRE DEPARTMENT CONTINUED

There is continued in the city a volunteer fire department, which department shall have the following officers; a chief, an assistant chief.

Sec. 204.02. APPOINTMENT OF OFFICERS

The chief of the fire department shall be appointed annually by the members of the fire department. The chief of the fire department shall appoint each year an assistant chief, and a fire marshal, subject to confirmation by the council. The chief of the fire department, the assistant chief, and the fire marshal each shall hold office for one year and until the successor has been duly appointed or qualified. The above named officers may be removed by the council for cause and after a public hearing. Firefighters and probationary firefighters shall be appointed by the members of the department, subject to confirmation by the council. Firefighters shall continue as members of the department during good behavior, and may be removed by the council only for cause and after a public hearing.

Sec. 204.03. DUTIES OF CHIEF

The chief shall have control over all of the fire fighting apparatus and shall be solely responsible for its care and condition. The chief shall make a report, semi-annually, to the council at its meeting in March and September, as to the condition of the equipment and needs of the fire department. The chief may submit additional reports and recommendations at any meeting of the council and shall report each suspension of a member of the fire department at the first meeting of the council following each suspension. The chief shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the council on the discharge or retention.

Sec. 204.04. RECORDS

The chief shall keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as the chief may deem advisable or as may be required from time to time by the council or state department.

Sec. 204.05. PRACTICE DRILLS

It is the duty of the chief, when the weather permits, to hold a monthly practice drill of at least one hour's duration for the fire department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

Sec. 204.06. ASSISTANT CHIEF

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

Sec. 204.07. FIREFIGHTERS

The chief, the assistant chief, the fire marshal and all firefighters and probationary firefighters shall be not less than 18 nor more than 65 years of age and able-bodied. They shall become members of the fire department only after a 24 month probationary period. The council may require that each candidate, before becoming a probationary fighter, must satisfy certain minimum qualifications which may be specified by the council; and that the candidate must pass a satisfactory physical examination.

Sec. 204.08. LOSS OF MEMBERSHIP

Firefighters absent from three consecutive drills or calls, unless excused by the chief, shall forfeit membership in the department.

Sec. 204.09. COMPENSATION

Compensation shall be established by the council. Recommendations for salary adjustments may be submitted by the fire department.

Sec. 204.10. PRESENT MEMBERS

Persons who have been members of the fire department for at least one year at the time of the adoption of this code section shall not be required to serve a probationary period before receiving firefighter's rating.

Sec. 204.11. INTERFERENCE WITH DEPARTMENT

It is 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 fire department in the discharge of its duties. Unlawful interference shall include the following of a fire truck when its siren and emergency lights

are in operation, closer than 500 feet, by persons not on official city business.

Sec. 204.12. FEES FOR EMERGENCY FIRE SERVICES AND EMERGENCY MEDICAL SERVICES.

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Subd. 1. Purposes and Intent

This ordinance is adopted for the purpose of authorizing the City of Sherburn to charge for fire services and emergency medical services as authorized by Minn. Stat. 366.011, 366.012, and 415.01.

Subd. 2. Definitions

A) "Fire service" means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

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B) "Fire service charge" means the charge imposed by the City for receiving fire service.

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C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate preliminary upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

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D) "Fire protection contract" means a contract between the City and a town or other city for the City to provide fire service.

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E) "Mutual aid agreement" means an agreement between the City and a town or other city for City's fire department to provide assistance to the fire department of a town or other city.

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F) "Emergency medical services" means the deployment of ambulance personnel and/or equipment to respond to

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the medical needs of the person including the transportation of persons for further medical treatment.

G) “Emergency medical service charge” means the charge imposed by the City for providing emergency medical services.

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Subd.3. **Parties Affected**

A) Owners of property within the City who receive fire service or emergency medical services.

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B) Anyone who receives fire service or emergency medical services as a result of a motor vehicle accident or fire within the City.

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C) Owners of property in towns or cities to which the City provides fire service or emergency medical services pursuant to a fire protection contract or medical services contract.

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Subd. 4. **Rates**

All rates charged for emergency fire services and emergency medical services shall be set by the City Council of the City of Sherburn by an annual fee ordinance.

Subd. 5. **Billing and Collection**

A) Parties requesting and receiving fire services and emergency medical services may be billed directly by the City of Sherburn within 30 days of the fire service or emergency medical service. Additionally, if the party receiving fire services or emergency medical services did not request service, but a fire or other situation exists which, at the discretion of the Fire Department or emergency medical services unit in charge require fire services or emergency medical services, the party will be charged and billed. All parties will be billed whether or not the fire service or emergency medical service is covered by insurance. Any billable amount of the fire charge emergency medical services charge not covered by a parties’ insurance remains a debt of the party receiving the fire service or emergency medical service.

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B) Parties billed for fire service or emergency medical services will have 90 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

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C) If the fire service charge or emergency medical services remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service or emergency medical service charge. The party receiving fire service or emergency medical service charge shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.

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D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, City Council may also, on or before October 15th of each year, certify the unpaid fire service charge or emergency medical service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the City all charges collected on behalf of the City. The City must give the property owner notice of its intent to certify the unpaid fire service or emergency medical service charge by September 15th.

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E) False alarms will not be billed as fire call unless the property owner has two or more false alarms within a six month period.

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Subd. 6. **Mutual Aid Agreement**

When the City fire department provides fire service to another department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

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Subd. 7. **Billing Procedure for Fire Protection Contracts with Towns or Other Cities**

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When the City Fire Department provides fire service to another fire department pursuant to a Fire Protection contract, the billing will be determined by the contract.

Subd. 8. Application of Collections to Budget

All collected fire charges and emergency medical service charges will be the City's funds and used to offset the expenses of the City Fire Department in providing fire services and emergency medical services.

Part 5. Planning Commission

Sec. 205.01. ESTABLISHMENT OF COMMISSION

The city council shall act as the city planning agency authorized by Minn. Stat., Section 462.354, Subdivision 1.

Sec. 205.02. COMPOSITION

Subd. 1. Membership - The planning commission shall consist of five members from the resident population of the city to be appointed by the mayor with the approval of the council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absence from any three meetings in a year, unless excused in advance by the chair, constitutes a vacancy. In the event of any vacancy, the mayor, with the approval of the council, shall appoint a person to complete the unexpired term. One member may be a council member or the clerk to be appointed by the mayor with council approval, for a one-year term to expire on December 31 of each year.

Other persons may serve in an ex officio capacity as the council may in its discretion deem appropriate.

Each of the five regular planning commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the city council upon written charge and after public hearing.

Sec. 205.03. ORGANIZATION, MEETING, ETC.

At the first regular meeting in January, the commission shall elect a chairman, a vice chairman, and a secretary from among its appointed

members, each for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall hold such meeting each month at such time and place as they fix by resolution. Special meetings may be called at any time by the chairman, or in case of the chairman's absence by the vice chairman. Written minutes of meetings shall be kept and filed with the clerk prior to the next regularly scheduled council meeting, but shall be subject to approval at the next planning commission meeting.

No expenditures by the commission shall be made unless and until authorized for the purpose by the council.

Sec. 205.04. DUTIES AND POWERS OF THE COMMISSION, COMPREHENSIVE PLAN

- Subd. 1. Plan - The planning commission shall have the powers and duties given city planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the planning commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements, and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to the comprehensive plan, it shall periodically, but at least every year review the comprehensive plan and any ordinances or program implementing the plan.
- Subd. 2. Means of Executing Plan - Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the planning commission to recommend to the council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the planning commission by the council.
- Subd. 3. Zoning Ordinance - The planning commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the council as may be prescribed by the zoning ordinance.

Subd. 4. Special Permits - The planning commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The commission shall report its recommendations to the council for action.

Subd. 5. Subdivisions - The planning commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the commission shall report its recommendations to the council for action.

Subd. 6. Capital Improvement Program - The planning commission shall endeavor to obtain from city officers a descriptive list of proposed improvements for the ensuing five-year period. The planning commission shall also request from the local school district a similar list of its proposed public works.

The planning commission shall list and classify all such proposed public works and shall prepare a coordinated program of proposed public works for the ensuing year and for a projected five-year period. Such program shall be recommended by the planning commission to the council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of such public works.

Part 6. Economic Development Authority

Sec. 206.01. DEFINITIONS

As used in this ordinance, the following terms shall have the following Definitions:

”Authority” means the Sherburn Economic Development Authority.

”City” means the City of Sherburn, Minnesota.

”Council” means the duly elected governing body of the city.

”The Act” means Minnesota Statutes Section 469.090 through Section 469.108.

”Enabling Resolution” means the resolution of the Council establishing the Sherburn Economic Development Authority pursuant to the Act and all amendments thereto.

Sec. 206.02. ESTABLISHMENT

There is hereby created in the city an Economic Development Authority which, subject to the provisions of the enabling resolution shall have all of the powers, duties, and responsibilities of an Economic Development Authority created pursuant to Minn. Stat. Section 469.090 through Section 469.108. It shall be the role and responsibility of the Economic Development Authority to carry out economic and industrial development and redevelopment within the city in accordance with such general policies as may from time to time be established by the Council and pursuant to such by-laws as may be adopted by the authority with approval of the Council.

Sec. 206.03. NAME

The Economic Development Authority created by the enabling resolution shall be known as the Sherburn Economic Development Authority.

Sec. 206.04. MEMBERS

The Economic Development Authority shall be comprised of currently serving mayor and council members of the Sherburn City Council and they shall serve as Commissioners of the Sherburn Economic Development Authority.

Sec. 206.05. ADMINISTRATION

The administration of the Authority shall be as determined in the by-laws of the Authority, which by-laws to be effective shall require approval of the Council.

Sec. 206.06. POWERS

The Authority shall have such powers as may be mandated by the Act and such other powers as may be permitted by the Act and conferred by the Council.