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CHAPTER 2: OPERATIONS AND ADMINISTRATION

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SECTION 200: THE COUNCIL

200.01 The Council. The Council shall consist of a Mayor and four (4) Council members.

200.02 Regular Meetings. Regular meetings of the Council shall be held on the first and the last Wednesday of each month at 6:30 p.m. Any regular meeting falling on a holiday shall be held on the following day at the same time and place unless otherwise specified by the Council at a regular meeting. All meetings shall be held at an appointed place unless otherwise set by motion duly made and passed at a Council meeting.

200.03 Special and Emergency Meetings. The Mayor or any two (2) members of the Council may call a special meeting of the Council upon at least seventy-two (72) hours written notice to each Councilmember. The notice shall be delivered personally to each Councilmember or shall be left at the Councilmember's usual place of residence with some responsible person. The notice shall specify the business to be transacted at the special meeting. Notice to the public shall be given in accordance with State law. Only business specified in the notice shall be transacted at the special meeting unless the Council unanimously consents to additional business being transacted. Emergency meetings may be called as provided by State Statutes to address issues that arise which if left unaddressed while giving normal notice would put the City or the public at great risk or threat of harm or breach of the public safety, health and welfare. Any Councilmember, present at any special meeting, who fails to object and have the objection entered in the record will be conclusively presumed to have consented to the transaction of all business transacted at the meeting, and no later objections may be made that the notice of the special meeting was defective.

200.04 Initial Meeting.

Subd. 1 Duties. At the first regular Council meeting of each year, the Council shall:

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

200.05 Public Meetings. All Council meetings, including special meetings and meetings of Council committees, shall be open to the public, except as otherwise provided by law.

200.06 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 will preside. In the absence of both, the Administrator shall call the meeting to order and shall preside until the Councilmembers present choose one (1) of their number to act temporarily as presiding officer. The presiding officer may make motions, second motions and speak on questions.

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

Subd. 3 Appeals. Any Councilmember may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the objecting Councilmembers may speak once solely on the procedural question involved. The presiding officer may explain the presiding officer's ruling. No other Councilmembers may participate in the discussion. The appeal shall be sustained if approved by a majority of the Councilmembers present, including the presiding officer.

200.07 Minutes.

Subd. 1 Administrator to Prepare. Minutes of all Council meetings shall be prepared and kept by the Administrator, or in his or her absence, by the Assistant City Administrator. In the absence of both the Administrator and the Assistant City Administrator, the presiding officer shall appoint a person to act as 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 Administrator, 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 and shall be signed by the Administrator. Copies of the minutes shall be delivered to each Councilmember as soon as reasonably practicable after the meeting. At the next regular Council meeting following the delivery, approval of the minutes shall be considered by the Council, with any proposed additions or corrections.

200.08 Order of Business. The order of business may be varied in the discretion of the City Administrator or presiding officer, but all public hearings shall be held no earlier than the time specified in the notice of hearing.

200.09 Voting. Every member shall vote when a question is put forward unless the Council, by a majority vote of those present, excuses a member for a special cause. Except as otherwise provided by this code, or by statute or ordinance, a majority vote of a quorum will prevail in all cases.

200.10 Ordinances, Resolutions, and Petitions.

Subd. 1 Readings. Every ordinance shall be presented in writing, except in emergency situations. Every ordinance shall receive two (2) readings before the Council prior to final adoption. The second reading may be waived by a majority vote of the entire Council.

Subd. 2 Signing and Proof of Publication. Every ordinance and resolution passed by the Council shall be signed by the Mayor, attested by the Administrator, numbered, recorded and filed in an ordinance or resolution book. Proof of publication of every ordinance shall be attached to, and filed with, the ordinance. No resolution shall be published unless the laws of the State require it to be published or unless it is directed to be published by the Council.

Subd. 3 Repeals and Amendments. Every ordinance or resolution repealing or amending all or part of a previous ordinance, resolution or code provision shall give the number of the ordinance, resolution or code section to be repealed or amended.

Subd. 4 Petitions. Every petition or other communication addressed to the Council shall be in writing and will be read in full, upon presentation to the Council, unless the Council dispenses with the reading. Each petition or other communication will be referenced in the minutes.

200.11 Salaries of Mayor and Councilmembers.

Subd. 1 Mayor's Compensation. The Mayor shall receive a monthly salary of \$300.00. Up to one-half of the monthly salary may be deducted if the Mayor is not present at at least one (1) Council meeting per month.

Subd. 2 Council Compensation. Each Councilmember shall receive a monthly salary of \$250.00. Up to one-half of the monthly salary may be deducted if Council members are not present at at least one (1) Council meeting per month.

Subd. 3 Compensation of Committee Meetings. Compensation for Committee meeting wages shall be \$50.00 per diem (per day). If the meeting is outside of the City limits the Mayor or Council may file for mileage reimbursement.

SECTION 205: TERMS OF COUNCILMEMBERS

205.01 Councilmember. The term of office for each Councilmember shall be four (4) years and until his or her successor qualifies for office. Two (2) Councilmember shall be elected at each biennial election.

205.02 Mayor. The term of the Mayor shall be for two (2) years and until his or her successor qualifies for office.

205.03 City Elections. City elections shall be held on the first Tuesday after the first Monday in November in even numbered years.

SECTION 210: ADMINISTRATIVE OFFICES

210.01 Clerk and Treasurer.

Subd. 1 Clerk and Treasurer Separate. The positions of Clerk and Treasurer are separated and the positions shall be known as Administrator, who shall perform the statutory duties of the Clerk, and Treasurer, who shall perform the statutory duties of Treasurer, respectively.

Subd. 2 Annual Audit. An annual audit of the City's financial affairs shall be made as required by law by either the State Auditor or by a public accountant qualified by statute to perform an audit.

210.02 Establishing the Position of City Administrator.

Subd. 1 Continuance. The position of City Administrator is hereby continued for the City. A detailed job description for the City Administrator position shall be on file in the office of the Administrator.

Subd. 2 Responsibilities. The Administrator shall be responsible for all of the statutory duties of the City Clerk.

210.03 City Organizational Chart. The organization of the City shall be as shown on Chart II: Plan A, which is incorporated into the appendix of this code.

SECTION 215: ENFORCING STATE AND FEDERAL ACTS

215.01 Minnesota Government Data Practices Act.

Subd. 1 City Administrator as Responsible Authority. The City Administrator shall be the Responsible Authority for the purposes of meeting all requirements of the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.01 through 13.90, as they may be amended from time to time.

Subd. 2 Duties. The duties of the responsible authority and designees shall be on file in the City Administrator's office.

SECTION 220: VOTING PRECINCTS

220.01 Redistricting. The City consists of one (1) voting precinct.

SECTION 225: SURETY BONDS

225.01 Surety Bonds. Any surety bond referred to in any code provision or ordinance shall be required to be a bond of a surety company duly authorized to do business in the State. All surety bonds shall be drawn on forms furnished by the City and approved by its attorney; shall run to the City; shall (except in the case of official bonds of municipal officers) be conditioned upon the observance of all ordinances and regulations relating to the activity for which a bond is required (as well as upon the conditions set out in the section requiring the bond); and shall cover the principal and all persons acting under the principal. All bonds shall be ineffective for any purpose until filed with the Administrator; except that the bond of the Administrator shall be filed with the President of the Council. Neither the Administrator nor the Mayor shall accept any surety bond for filing until it has been approved by the Council.

SECTION 230: RECOVERY OF EXPENSE OF WORK CHARGEABLE TO ANOTHER

230.01 Recovery of Expense of Work Chargeable to Another. Where any work is done by the City or its employees which any provision of this code provides that the work be done at the expense of any person, the expense of the work may be recovered by an action at law against any person so charged. The recovery in the case shall also include all the expenses attendant upon the suit for collecting the cost, including a reasonable attorney's fee.

SECTION 235: FIRE DEPARTMENT

235.01 Fire Department Established. There is hereby continued in this City a Fire Department consisting of, at minimum, a Fire Chief, an Assistant Fire Chief, a Fire Marshal, and not less than fifteen (15) nor more than forty-five (45) firefighters. The Fire Department will establish and maintain a set of standard operating guidelines and rules which shall give their duties and govern their operation. The City Council shall review and approve the rules at the request of the City administration and Fire Chief. The Fire Department shall operate as a department of the City and all applicable City personnel policies and procedures shall apply to the Fire Department and Fire Fighters.

235.02 Duties of Fire Marshal. The Fire Marshal shall be charged with the enforcement of

sections of this code aimed at fire prevention. The Fire Marshal shall make inspections of buildings within the protection service area on a basis deemed necessary by the Fire Chief, Fire Marshal and City Administrator, to ascertain and cause to be corrected any conditions likely to cause fire or any violation of this code affecting fire hazards. Whenever the Fire Marshal finds upon any premises an excessive amount of combustible materials or unsafe fire load, so situated as to endanger property, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows, which are likely to interfere with the operations of the Fire Department or egress of occupants in case of fire, the Fire Marshal shall order the obstructions to be removed or abated. The Fire Marshal shall inspect all buildings in the course of construction or moving and see that the construction and moving are proceeding in all respects in accordance with this code. Before any building so constructed or moved may be occupied, the owner or prospective occupant shall secure from the Fire Marshal a signed approval on the Building Permit Inspection Record which shall certify that the building complies with all the State Statutes and this code, to the best of the Fire Marshal's knowledge and belief.

Upon request from the Mayor, the Fire Chief shall nominate a qualified candidate for the Office of Fire Marshal. The Mayor may put forward the name of the individual or inform the Fire Chief that he or she will nominate another qualified individual. If no name is nominated or appointed to the position of Fire Marshal, the Fire Chief will occupy that position or his/her designee. The term of the Fire Marshal shall be one year from the original January appointment.

235.03 Compensation. The Fire Fighters and Officers of the Fire Department shall receive compensation as set in the City's fee and salary schedule. The Fire Chief shall submit a certified monthly report showing in detail the hours served by each Fire Fighter of the Department, and compensation to which the Fire Fighter is entitled during the month in question. No payment of any compensation to Fire Fighters will be ordered until the report is filed.

235.04 Relief Association. The Fire Fighters and Officers of the Fire Department may organize themselves into a Fire Fighters' Relief Association for the purpose of offering a retirement benefit.

235.05 False Alarms. No person shall give an alarm of fire without probable cause, nor neglect nor refuse to obey any reasonable order of the Fire Chief at a fire, nor interfere with the Fire Department in the discharge of its duties.

235.06 Police Authority. While at an emergency, the Fire Chief (or in the Fire Chief's absence, the Assistant Fire Chief), and at all times, the Fire Marshal, shall be endowed with the power and authority of peace officers of this City.

235.07 Adoption of the Minnesota State Fire Code. There is hereby adopted by reference for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Minnesota State Fire Code, as adopted by the State of Minnesota, the most current edition and the whole thereof, published by the State of Minnesota with amendments as are adopted from time to time. A copy shall be available in the office of the City Administrator for public inspection.

235.08 Code Enforcement. The following officials shall have the duty to issue tags for violations:

Subd. 1 The Fire Marshal and Fire Chief shall issue tags for Fire Code violations.

Subd. 2 The Building Official shall issue tags for Building Code violations.

235.09 Fees for Emergency Protection Fire Services.

Subd. 1 Purposes and intent. This section is adopted for the purpose of authorizing the city to charge for fire service as authorized by M.S. §§ 366.011, 366.012 and 415.01, as they may be amended from time to time.

Subd. 2 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIRE PROTECTION CONTRACT. A contract between the city and a town or other city for the city to provide fire service.

FIRE SERVICE. Any deployment of firefighting 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 firefighting personnel and/or equipment to provide fire suppression, rescue, extrication and any other services related to fire and rescue as may occasionally occur.

FIRE SERVICE CHARGE. The charge imposed by the city for receiving fire service.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily 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.

MUTUAL AID AGREEMENT. An agreement between the city and a town or other city, county, state or other agency, for the city's Fire Department to provide assistance to the fire department of a town or other city.

Subd. 3 Parties affected.

- A. Owners of property within the city who receive fire service;
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire; and
- C. Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.

Subd. 4 Rates. Fees for services under this section shall be established in a fee schedule in amounts set by the City Council from time to time.

Subd. 5 Billing and collection.

- A. Parties requesting and receiving fire services will be billed directly by the city. Additionally, if the party receiving fire services did not request services but a fire or other situation existed which, at the discretion of the Fire Department personnel in charge, required fire service,

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the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

B. The city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city, including but not limited to reasonable attorney fees and court costs.

C. The City Council may also, on or before November 30 of each year, certify the unpaid fire service charges of persons owning property within the city to the County Auditor for collection with property taxes. The city must give the property owner notice of its intent to certify the unpaid fire service charge by November 1.

D. If property owners outside of the city receive fire service as a result of a fire protection contract and do not pay their fire service charge within thirty (30) days, the city may bill the town or other city with which it contracts to provide fire protection services as specified in the fire protection contract.

E. If vehicle owners do not pay their fire service charge for thirty (30) days, the city shall not charge the jurisdiction where the service was rendered, but shall revert to B. of this section to collect the fire service charge.

F. False alarms will be billed as a fire call.

Subd. 6 Mutual aid agreement. When the City Fire Department provides fire service to another fire department pursuant to a mutual aid agreement, the billing will be determined by the mutual aid agreement.

Subd. 7 Application of collections to budget. All collected fire charges will be city funds and used to offset the expenses of the City Fire Department in providing fire services.

SECTION 240: PLANNING COMMISSION

240.01 Continuation. The City Planning Commission for the City is hereby continued. The Commission shall be the City planning agency, as authorized by Minn. Stat. § 462.354, Subd. 1, as it may be amended from time to time.

240.02 Composition. The Planning Commission shall consist of nine (9) members with at least six (6) members being residents of the City. Commission members shall be appointed by the Mayor with the consent of the Council. Commissioners shall be appointed for a term of three (3) years and until their replacements qualify for office, except that one (1) of the nine (9) Commissioners shall be appointed for a one (1) year term expiring on December 31 of each year. Absence from any three (3) meetings in a year unless approved by the Chairperson of the Commission, shall be cause for removal from the Commission. Any member may be removed for cause by majority vote of the Council following written notice to the Commissioner and a public hearing. In the event of a vacancy, the Mayor, with the consent of the Council, shall appoint a person to fill the unexpired portion of the

term. The City Administrator and the City Planner shall serve as ex-officio members and at least one (1) of them shall attend each Planning Commission meeting, but neither shall have a vote. Other persons may serve in non-voting, ex-officio capacity, as the Council may determine appropriate. The nine (9) regular members of the Commission shall have equal voting privileges and a quorum of five (5), with one (1) of them being an ex officio member, shall be required to conduct official business.

240.03 Organization and Meetings. At the first regular Planning Commission meeting of each year, the Commission shall appoint the Chairperson, Vice-Chairperson and Secretary for that year from among the appointed members. Other offices may be appointed as the Commission determines necessary. The Commission shall hold a meeting each month at a time and place as determined by resolution of the Commission. Special meetings may be called at any time by the Chairperson, or in the Chairperson's absence, by the Vice-Chairperson. Notice of all meetings shall be in compliance with the Minnesota Open Meeting Law. Written minutes of each meeting shall be kept and filed with the City Administrator prior to the next following Council meeting, but subject to approval at the next Planning Commission meeting.

240.04 Duties and Powers of the Commission. The Planning Commission shall have the powers and duties generally given City planning agencies by law, and all powers conferred upon it by the Council. No expenditure shall be made by the Commission unless and until authorized by the Council.

Subd. 1 Comprehensive Plan. It shall be the purpose of the Planning Commission to develop and maintain a comprehensive plan for the physical development of the City, including proposed public buildings, street arrangement and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities and service, parks and playgrounds, a general land use plan and other matters relating to the physical development of the City. The plan may be maintained in sections, each of which shall relate to the comprehensive plan program. The Commission shall periodically review and revise the comprehensive plan so as to conform to changing conditions in the City and surrounding area.

Subd. 2 Plan Implementation. As a part of its ongoing obligation to the Council, the Planning Commission shall be responsible for recommending reasonable and practical means of and methods of continuing to implement the comprehensive plan. The comprehensive plan shall be the pattern and guide for the orderly physical development of the City. The means of effectuating the plan shall among other things consist of zoning ordinances, 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 conditional use permits. The Planning 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 use as prescribed by ordinance. The Commission shall report its

recommendations to the Council for action.

240.05 Variances. All applications for variances shall be referred to the Planning Commission for its recommendations which shall be forwarded to the Council. Failure of the Commission to make a recommendation on an application shall not prohibit the Council from granting the variance.

240.06 Secretary.

Subd. 1 Record and Review. The Planning Commission Secretary shall record the Planning Commission minutes and make them available for Council review at the regular monthly Council meeting following the Planning Commission's meeting.

SECTION 245: ECONOMIC DEVELOPMENT AUTHORITY

245.01 Establishment. An economic development authority (EDA) established pursuant to State law and to be known as the "Economic Development Authority of the City of Pine City" with all the powers, rights, duties and obligations, as set forth in Minn. Stat. Ch. 469, as it may be amended from time to time, is hereby continued.

245.02 Organization. The EDA shall be governed by a board of seven (7) commissioners. The Commissioners shall be appointed by the Mayor, with the consent of the Council. At least two (2) of the Commissioners shall be Councilmembers. Commissioners shall be appointed for a term of four (4) years, except that a Councilmember-Commissioner's term shall be the same as his or her term of office. A vacancy shall be created whenever a Councilmember-Commissioner ceases to be a Councilmember. All vacancies, regardless of how created, shall be filled for the remaining period of the term by appointment by the Mayor, with the consent of the Council.

245.03 Procedures and Restrictions. The actions of the EDA shall be subject to the following procedures and restrictions.

Subd. 1 Transfer of Funds. Except when previously pledged by the EDA, the Council may, by resolution, require the EDA to transfer any portion of its reserves generated by the activities of the EDA that the Council determines not to be necessary for the successful operation of the EDA to the Debt Service Fund of the City to be used solely to reduce tax levies for bonded indebtedness of the City.

Subd. 2 Sale of Bonds; Approval. The sale of all bonds or obligations issued by the EDA shall be approved by the Council prior to issuance.

Subd. 3 Budgetary Process. The EDA shall follow the budgetary process for City departments.

Subd. 4 Real Property. The EDA shall not acquire or dispose of real property, whether by purchase, sale, lease, condemnation or otherwise without the prior approval of the Council.

Subd. 5 Submission of By-Laws and Amendments. The EDA shall submit for Council approval a copy of its by-laws and all amendments to the by-laws. No amendments to the by-laws shall become effective until approved by the Council.

SECTION 250: RURAL SERVICE DISTRICTS

250.01 Establishment of Districts. The City of Pine City hereby includes the area within its limits into an Urban Service District and a Rural Service District, constituting separate taxing districts for the purpose of all municipal property taxes, except those levied for the payment of bonds and judgments and interest thereon.

250.02 Urban Service District. The Urban Service District shall include all properties within the limits of the city, except those set forth by ordinance as Rural Service District.

250.03 Rural Service District. The Rural Service District shall include only unplatted lands which need not be contiguous to one another, as in the judgment of the Council at the time of adoption of the ordinance, are rural in character, and are not developed for commercial, industrial or urban residential purposes and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. This chapter may include lands outside the city which, if annexed, shall be included in the Rural Service District.

250.04 Description of Rural Service District. The lands included in the Rural Service District shall include those properties described in the Joint Resolution/Orderly Annexation Agreements between the City of Pine City and Pokegama Township dated December 12, 2005 and August 2, 2006.

250.05 Transfer from Rural Service District to Urban Service District.

Subd. 1 Unless sooner terminated by the Council in compliance with this ordinance and applicable State law, the Rural Service District will extend from the effective date of annexation for a period of seven years.

Subd. 2 Whenever any parcel of land included in the Rural Service District is platted in whole or in part; or whenever application is made for a permit for construction of a commercial, industrial, residential or agricultural building or improvement; or whenever the improvement or building is commenced without a permit the City Council shall make and enter an order by resolution transferring the parcel or part thereof from the Rural Service District to the Urban Service District. Further, when any parcel in a Rural Service District, in the judgment of the City Council, becomes substantially developed as urban property, the Council shall make and enter an order by resolution transferring the parcel or part thereof from Rural Service District to the Urban Service District.

250.06 Benefit Ratio. In the judgment of the City Council, the approximate ratio which exists between the benefits resulting from tax supported municipal service to parcels of land of like full

and true value, situated in the Rural Service District and the Urban Service District, respectively, is equal to the applicable local township tax rate of the township in which the lands situated in the Rural Service District are or were located, plus ten percent of that rate, plus the amount of any municipal property taxes levied for payment of bonds and judgments and interest thereon.

250.07 Services provided in Rural Service District areas. No City service beyond that normally provided by the local townships of Pine County will be provided by the City in the Rural Service District, except fire, police, building inspection, individual sewer treatment system inspection, and planning services.