

200 Council and Administration

201. The Council

201.01 Meetings.

Subd. 1. Time. Regular meetings of the council shall be held on the 2nd Tuesday and 4th Tuesday of each calendar month at 7:00 P.M. Meetings will be adjourned no later than 11:00 p.m. unless a majority vote of council agrees to continue meetings beyond that time. Any unfinished business from the adjourned meeting shall be tabled to the next regularly scheduled council meeting. Any regular meeting falling upon a holiday shall be held on the following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall unless otherwise directed by the council. If any council meeting is directed by council to be held in a location other than city hall, the clerk-treasurer shall post a notice in city hall at least 24 hours prior to the meeting stating the time, location and purpose of the meeting. Notice shall be posted in the official newspaper of the changed location of the council meeting when possible to do so. (Amended by Ordinance No. 94-11, passed June 28, 1994.)

Subd. 2. Special Meetings. Special meeting of the council refers to any meeting other than a regular or an adjourned regular meeting. Special meetings of the council may be called by the Mayor or any other two members of the council at least three days (72 hours) before the called meeting. Such a call occurs by filing a written statement with the clerk containing, as a minimum, the following: the names and positions of the individual or individuals calling the meeting; the time and place of the special meeting; and a request asking the clerk to give the council members proper notice. The clerk must mail, at least one day before the meeting, a notice to all of the council members stating the time and place of the meeting. For a special meeting to be valid, all members must receive notification unless those not notified are present. In addition to the notice to council members, public notice is necessary. In addition to the notice to council members, public notice is necessary. The clerk must post written notice of the date, time, place and purpose of the special meeting on the principal bulletin board of the city. In addition to posted notice, the city must also mail or deliver notice to each person who has filed with the city a written request for notice of special meetings. The city must post and mail or deliver public notice at least three days before the meeting. An emergency meeting is a special meeting the council calls because of circumstances that, in the judgment of the council, require immediate council consideration. The council must make good faith efforts to provide notice of the meeting by telephone or by any other method used to notify the council members and must include the subject of the meeting. (Amended by Ordinance 94-06, passed April 12, 1994.)

Subd. 3. First Meeting. At the first regular council meeting in January of each year the mayor, with council approval, shall (1) designate the depository of city funds; (2) designate the official newspaper; (3) choose an acting mayor from the council who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of vacancy in office of mayor, until a successor has been appointed and qualifies; (4) appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.

Subd. 4. Open Meetings. All council meetings, including special and adjourned meetings, shall be open to the public, except as may be otherwise provided by law.

Subd. 5. Quorum. A majority of the entire council shall be a quorum to transact business, and less than a quorum may recess a meeting to a future date. In the event of vacancies, the "entire council" shall be temporarily reduced to include only those members legally entitled to participate, and the quorum shall be a majority of the temporarily reduced "entire council". (Subd. 5 amended by Ordinance 96-05, passed July 15, 1996.)

201.02 Mayor.

Subd. 1. Presiding Officer. 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 next senior councilmember 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. Duties of Presiding Officer. 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. Appeals. Any member may appeal to the council from 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 his ruling, but no other councilmember shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

Subd. 4. Participation in Meetings. Except as otherwise provided by law or this section, the presiding officer shall not be deprived of any of the privileges of a councilmember by reason of his acting as presiding officer, including the power to move, second, and debate from the chair.

Subd. 5. Term. The term of the office of the Mayor for the City shall be four years beginning with the term commencing January 1989. (Subd. 5 added by Ordinance 87-4, passed May 26, 1987.)

201.03 Minutes.

Subd. 1. Recording. Minutes of each council meeting shall be kept by the clerk-treasurer, or, in his absence, by the designate of the council. Ordinances, resolutions, and claims shall be recorded in the minutes.

Subd. 2. Approval and Publication. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk-treasurer and the mayor. At the next regular council meeting, 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.

201.04 Agenda.

Subd. 1. Order of Business. Each meeting of the council shall convene at the time and place appointed therefore. Order of business shall be reviewed and established by council annually. (Amended by Ordinance No. 88-7, passed June 13, 1988 and Ordinance 06-12, November 28, 2006)

Subd. 2. Variation of Order. The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in notice of hearing.

Subd. 3. Written Agenda. An agenda of the business and claims for each regular council meeting shall be prepared by the clerk-treasurer for said meeting. Any councilmember wishing an item to be placed on the agenda to be considered by the council must have it filed in the office of the clerk-treasurer by 12:00 P.M. on the Wednesday prior to the regular council meeting. Any other person wishing an item to be placed on the agenda to be considered by the council must provide a letter to the clerk-treasurer setting for his request, by 12:00 P.M. on the Wednesday prior to the regular council meeting or must have a councilmember place his matter on the agenda in accordance with the above rule. Copies of the agenda shall be made available to the public.

Subd. 4. Additions. By majority vote of the members of the council in attendance at the regular scheduled meeting, additional business may be added to the agenda for consideration at the meeting in session.

Subd. 5. Open Forum. Open forum will be the first agenda item after roll call. Any citizen may bring a concern to the council with the understanding that the presentation be limited to less than three minutes and that a decision or action may not be made by the council at that time. (Subd. 5 amended by Ordinance 88-7 passed June 13, 1988.)

201.05 Quorum and Voting.

Subd. 1. Forum. At all council meetings a majority of the council members elected shall constitute a quorum for the transaction of business, but a small number may adjourn from time to time and the council may punish non-attendance by a fine not exceeding \$5.00 for each absence from any regular meeting unless a reasonable excuse is offered.

Subd. 2. Recording of Votes. The votes of members on any question pending before the council may be by voice vote, standing vote, or in any other manner of voting which signifies the intention of the members; but if the vote is not unanimous, there shall be a roll call and the names of those voting for and against the question shall be recorded in the minutes. If any member, being present, does not vote, the minutes, as to his name, shall be marked "Present -- Abstain."

Subd. 3. Majority of Passage. A majority vote of all members of the council shall be necessary for approval of any ordinance. Except as otherwise provided by statute, a majority of those voting shall prevail in all other cases.

201.06 Ordinances, Resolutions and Motions.

Subd. 1. Form. Every ordinance and resolution shall be presented in writing and the title shall be read in full before a vote is taken thereon. An ordinance or resolution shall be read in full only at the request of the mayor or a member of the council. All motions shall be stated in full before they are submitted to a vote by the presiding officer. They shall then be recorded by title in the minutes by the clerk-treasurer.

Subd. 2. Recording. Every ordinance and resolution passed by the council shall be signed by the mayor and attested by the clerk-treasurer. Every ordinance shall be incorporated into the text of appendices of the code with the original passed version of the ordinance retained in an ordinance book in chronological order. Every resolution shall be filed in the resolution book.

Subd. 3. Amendments and Repeals. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended.

201.07 Amendment or Suspension of Rules. The rules for the conduct of council meetings established by 201.02 through 201.07 may be temporarily suspended by a majority vote of all council members. 201.01 through 201.07 shall not be repealed or amended except by majority vote of the whole council, after notice has been given at some preceding council meeting.

202. Council Salaries

202.01 Definition. For purposes of this code, "meeting" shall include regular, special or emergency council meetings. (Amended by Ordinance No. 93-3, passed March 23, 1993)

202.02 Compensation.

Subd. 1. The Mayor and Council members shall be paid compensation for meetings actually attended.

Subd. 2. Council members shall be compensated at the rate of \$50.00 per meeting and the Mayor at the rate of \$60.00 per meeting. The Council members and Mayor shall submit written claims to the Clerk/Treasurer for compensation for meetings other than council meetings. (Amended by Ordinance No. 01-07, passed September 25, 2001)

Subd. 3. Effective January 1, 1988, the Mayor shall be compensated at the rate of \$1,000.00 per year and Council members at the rate of \$750.00 per year in addition to compensation set forth in Subd. 2. If the Mayor or Council members shall fail to serve a complete year, the compensation set forth in this subdivision shall be pro-rated.

Subd. 4. Compensation for the Mayor and Council members shall be paid at the last regular Council meeting of the year except that if the Mayor or a Councilmember shall, for any reason, vacate his or her position, the compensation shall be paid when such person leaves office. (Amended by Ordinance No. 86-11, passed September 30, 1986)

203. Elections

203.01 Date. The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year.

204. Clerk-Treasurer

204.01 Offices Combined. Pursuant to M.S. 412.591, the separate offices of clerk and treasurer are abolished. The duties assigned by statute to the clerk and the treasurer shall be performed by the clerk-treasurer. The council shall provide for an annual audit in accordance with state law.

205. Administrator

205.01 Position Re-defined. The existing position of administrator is hereby affirmed as chief administrative officer of the city and shall encompass the duties prescribed hereinafter.

205.02 Appointment of Administrator. The administrator shall be appointed by a majority of the council for an indefinite term. He may be removed from office after thirty (30) calendar days written notice only by a majority of the council with or without cause. If he has served as administrator for one (1) year, written charges and a public hearing on the charges before the council shall be provided if requested by the administrator prior to the date wherein his removal takes place. The public hearing must be held within thirty (30) calendar days after presentation of the charges and he must receive the charges at least ten (10) calendar days before the public hearing.

205.03 Qualifications. The administrator must have considerable knowledge of municipal government operation, proper procedures, public relations, personnel management, finances, purchasing and all administrative requirements for proper municipal operation. He must have knowledge of or ability to acquire full knowledge of all laws affecting the municipality. He must have the ability to encourage harmonious relations with municipal employees and the general public. He must have the ability to coordinate development, to collect and analyze material for reporting and to initiate and implement standards of procedure, operation and organization.

He shall have a Bachelor's degree in public administration or its equivalent and work experience in municipal administration. He shall be selected solely on the basis of his executive, administrative and educational qualifications.

205.04 Duties and Responsibilities. The administrator shall be responsible to the council for the proper administration of all affairs of the city and to that end shall be empowered and required to:

- (1) Be cognizant of the affairs of all departments, offices and divisions of the city except as otherwise provided by law and carry out any other responsibilities placed under his jurisdiction by this section or by subsequent council action.
- (2) Interview and screen prospective city employees as permitted by law and shall make recommendations to the council before the council makes any appointment; he shall also make recommendations for terminating and suspending employees and may suspend any employee until the next council meeting when the council shall affirm, modify or rescind the suspension.
- (3) Prepare and submit an annual capital improvement plan and fiscal budget to the council and keep the council advised of the financial condition of the city and make such recommendations as he may from time to time determine desirable and necessary.
- (4) Attend and participate in discussions at all meetings of the council and other official bodies as directed by the council.
- (5) Make recommendations for enforcement of all laws and ordinances.

- (6) Assist with all personnel matters for the city in conjunction with policy established by the council.
- (7) Issue purchase orders for previously budgeted items, when directed by council action, when the amount thereof does not exceed \$5,000 after receiving estimates, quotations, sealed bids, proposals and/or contracts. (Amended by Ordinance No. 85-2, Passed March 26, 1985) (Amended by Ordinance No. 01-08, passed September 25, 2001) (Amended by Ordinance No. 05-14, passed October 25, 2005)
- (8) The administrator shall represent the city at official functions as directed by the council and maintain good public relations with the citizens of the community.
- (9) Recommend from time to time the adoption of such measures as he may deem necessary or expedient for the health, safety and welfare of the community or for the improvement of the administration.
- (10) Monitor all consultant and contract work performed for the city.

205.05 Compensation and Benefits and Employment Conditions. The administrator shall receive such compensation as the council shall fix from time to time by resolution and by the terms of an employment agreement.

205.06 Delegation of Administrator Duties and Responsibilities. All duties and responsibilities assigned to the City Administrator shall be delegated to the Deputy Clerk, in the absence of the City Administrator. (Added by Ordinance No. 91-04 passed April 25, 1991) (Amended by Ordinance No. 02-07, passed May 28, 2002)

206. Personnel

206.01 Purpose. It shall be the purpose of this Chapter to establish a uniform and equitable system of municipal personnel administration for the city to be applicable to all employees of the city, except where the city shall otherwise hereafter provide, and to insure:

- (1) That employment with the city shall be as attractive as possible from a career perspective.
- (2) That all appointments, promotions and separation will be fair and based on job performance.
- (3) That the position classification and compensation plans will be based on the principle of like compensation for like work.

The end result should be employees doing their jobs to the best of their ability to benefit the citizens of the city. No provision of this Chapter is intended to violate, supersede, or conflict with any applicable constitution, statute, or regulation, whether state or federal. To the extent of conflict with any such statute or regulation, the statute or regulation shall control. The employment relationship between the City and the employee is not for any fixed term. The City, in its sole discretion, reserves the right to revoke, suspend, amend, modify, or change any of the procedures set forth in the Personnel Chapter of the City Code and further the Personnel Chapter is not intended as an employment contract. (Added by ordinance 91-06 passed July 23, 1991.)

206.02 Scope. Except as otherwise specifically provided, this chapter applies to all employees of the city defined as follows:

- (1) Full-time Employee - forty (40) hours per week.
- (2) Regular Part-time Employee - Minimum of twenty-five (25) hours per week but less than forty (40) hours per week. (Amended by ordinance 89-15 passed November 28, 1989.)
- (3) Part-time Employee - Less than twenty-five (25) hours per week and except the following:
 - (a) Elected officials.
 - (b) Members of appointed commissions and committees.
 - (c) Volunteer firefighters and other volunteer personnel.
 - (d) Persons engaged by appointment or under contract to supply expert, professional, technical, or any other service.
 - (e) Temporary employees including seasonal, student, or employees hired to meet the immediate requirements of any emergency situation.

206.03 Appointments.

Subd. 1. Merit. Every appointment to city service shall be made by the council on the basis of merit and fitness for the position. When required by law or by the council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held. Merit shall include without limitation all job-relevant background, education, experience or training.

Fitness shall be determined by a physical at the time of application for employment and at regularly recurring times as set forth in individual department policies. Such examinations are to be paid for by the city and the physician's report is to be made directly to the council and the employee. In no case shall any irrelevant disability be considered. As a condition of employment, prospective employees shall sign such releases as may be necessary to release the physician's report to the city.

Subd. 2. Non-Eligible. The city will not consider for appointment any parent, parent-in-law, spouse, child, grandchild, brother, brother-in-law, sister, sister-in-law, grandparent, grandparent-in-law, aunt, aunt-in-law, uncle, uncle-in-law, niece, niece-in-law, nephew, or nephew-in-law of any current city employee or any current mayor or council member.

Subd. 3. Duration of Employment. After an employee has successfully completed the orientation period after hire or promotion, he/she shall be designated as a regular employee. Such designation shall be employed to differentiate between these employees and orientation, temporary or part-time employees. The term "regular" shall not be used to define duration of employment with the city. (Amended by Ordinance 91-06 passed 7/23/91.)

206.04 Probationary Period.

Subd. 1. Purpose. The orientation period shall be regarded as an integral part of the terms and conditions of employment and shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to the position, and for terminating such orientation employments as may be deemed necessary in the sole discretion and judgment of the council. (Amended by Ordinance No. 91-06 passed July 23, 1991)

Subd. 2. Duration. Every original appointment and every promotional appointment is subject to a minimum orientation period of six (6) months. "Rehired" employees shall be required to satisfy the orientation period as if newly hired or promoted to the position to which they return. Vacation time and other benefits shall not accumulate unless the employee is designated a regular employee but shall accumulate from the date of employment. Sick leave and funeral leave are not paid during the original appointment orientation period. (Amended by Ordinance No. 89-15, passed November 28, 1989 and Ordinance No. 91-06 passed July 23, 1991)

Subd. 3. Termination. The council may in its sole discretion terminate an orientation employee or an employee not advancing to Step C for the job as defined in "The Compensation Plan" within the maximum time as stated in "The Compensation Plan" without the right of appeal or hearing unless he is a veteran, in which case the procedure prescribed in Minnesota Statutes §197.46 shall be followed. The employee so terminated shall be notified in writing of the reasons for termination. (Amended by Ordinance 8915, passed November 28, 1989 and 91-06 passed 7/23/91.)

Subd. 4. Completion. Prior to completion of the initial orientation period, the appropriate supervisor and the administrator shall recommend to council in writing, dismissal, extension of the orientation period, or hiring as a regular employee. (Amended by Ordinance No. 91-06 passed July 23, 1991)

206.05 Compensation.

Subd. 1. Amount. Employees of the city shall be compensated according to the salaries rates and schedules established by a "Compensation Plan" prepared by the administrator and the clerk/ treasurer, presented to council no later than the first Regular Council Meeting in November. The council may adopt, reject, or modify such proposal and adopt such proposal as modified. Council may make any such action retroactive. Original appointment to any position shall be made at the starting salary established for the position and advancement shall be by successive steps as established by the "Compensation Plan." Council may, upon the recommendation of the administrator, if the applicant demonstrates greater qualifications than minimally required for the position, or on conditions of extreme difficulty in recruiting at the entrance rate, make an exception to the starting salary of a position. The "Compensation Plan" is not a seniority plan calling for automatic pay increases based upon length of service if it is clear that the level of competence varies greatly from one employee to another, it is equally clear that deserving and efficient employees should be awarded merit increase. Also, such increases should be withheld from employees whose service is not wholly satisfactory. Advancement will be based upon criteria set with the job description information. Advancement through the pay rates established for a position will be the first pay period following the anniversary date determined by the employee's hiring date or position reclassification. Cost of living pay increases, if approved by council, for employees who have reached the last step of the "Compensation Plan" will be the first pay period of the calendar year. (Amended by Ordinance No. 89-15, passed November 28, 1989)

Subd. 2. Temporary and Part-time Employees. Temporary and part-time employees are not entitled to paid sick leave, funeral leave, vacation leave or holidays. Regular part-time employees who work twenty-five (25) or more regularly scheduled hours per week and who do not provide their services to the city pursuant to a written contract, are entitled to the pro rata sick leave, funeral leave, vacation leave and holiday pay specified elsewhere in this Chapter. (Amended by Ordinance No. 89-15, passed November 28, 1989)

Subd. 3. Normal Work Week. The normal work week shall consist of forty (40) working hours or less for regular part-time employees and part-time employees as set by council in any regularly scheduled seven (7) day week. The work week is Saturday through Friday. The normal work year consists of two thousand eighty (2,080) hours, including all authorized absences.

- (1) Lunch periods shall begin and end at the employee's assigned work area. Supervisors are responsible for scheduling lunch periods. The normal lunch period shall normally not be part of the compensated work day.
- (2) Rest period are fifteen (15) minutes and shall be allowed during each half of a full-time employee's shift. Part-time employees working more than four (4) hours daily are allowed one rest period daily. Rest periods are to begin and end at the employee's assigned work area and are scheduled by the supervisor.

Subd. 4. Payday. Employees will be paid bi-weekly on the first Monday following the close of the preceding two week pay period. Employee time cards are due in City Hall on Monday by 8:30 a.m. following the close of the preceding two week pay period. (Amended Ordinance No. 04-01 passed January 13, 2004)

206.06 Overtime. (Amended by Ordinance No. 90-14, passed December 20, 1990)

- (1) Supervisors are responsible for scheduling work in their departments to minimize overtime and may authorize overtime when emergencies arise. All overtime shall be authorized by the administrator and/or city council. All hourly employees, as in the provisions of the Federal Fair Labor Standards Act (FLSA), shall receive time and one-half their regular hourly rate for all work performed in excess of forty (40) hours including holidays, excluding sick or vacation days, in any regular work week or, at the employee's request, may receive compensatory time off for each hour of overtime. Compensatory time earned must be taken by the employee as soon as is practical. Compensatory time may not accumulate to more than forty (40) hours. The administrator shall notify supervisors when compensatory time for any employee has accumulated to thirty (30) hours so that time off can be scheduled. Opportunity to work overtime shall be distributed as equally as practicable among employees in each department. If an employee establishes that he/she has not received his/her fair share of overtime, the employee shall have preference to future overtime until an equitable balance is achieved. (Amended by Ordinance No. 91-03, passed April 9, 1991)

Once an employee has requested that overtime be booked as compensatory time, the employee may not be paid for this compensatory time without council approval or unless otherwise set forth in this Chapter. Compensatory time off may not be used during the last two (2) weeks of employment once an employee's resignation has been submitted.

All compensatory time off must be noted on the leave calendar posted in city hall.

The estate of any orientation or regular full time hourly employee who dies while employed by the city shall be entitled to receive the value of the employees' accrued unused compensatory time in cash. (Amended by Ordinance No. 91-06, passed July 23, 1991)

- (2) Full time salaried employees may receive compensatory time off for work performed in excess of forty (40) hours including holidays, excluding sick or vacation days, in any regular work week, with approval of the administrator. Booking compensatory time for full time salaried employees is for record keeping purposes only and is NOT to be considered a termination nor a retirement benefit. (Amended by Ordinance No. 91-03, passed April 9, 1991)

All compensatory time off must be noted on the leave calendar posted in city hall.

- (3) Employees that must return to work for a scheduled evening meeting or an emergency shall be compensated for a minimum of two hours. However, if the meeting or the emergency extends beyond the two hours, the employee shall be

compensated for the actual hours worked. (Amended Ordinance 06-11, November 28, 2006)

206.07 Holidays. The following calendar days and such other days as the city council may fix are deemed holidays with time off with full pay for all full-time and regular part-time employees. If the holiday falls on a Saturday, the previous Friday shall be designated as the official holiday and if the holiday falls on the Sunday, the following Monday shall be designated as the official holiday. With the exception of the floating holiday, the city hall will be closed and the city may not conduct official/ ordinary business on a holiday such as holding a meeting or hearing, collecting utility bills, or issuing licenses or permits. Request for floating holiday shall be in writing by the employee and shall be approved by the department supervisor and the administrator. (Amended Ordinance 10-01, January 26, 2010)

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving Day	4th Friday in November
Christmas Eve (4 hours)	December 24 (only if it falls on a regularly scheduled work day)
Christmas Day	December 25
Floating Holiday	As scheduled

Full-time salaried employees with two (2) or more years of continuous service will receive one (1) extra holiday which may be employee birthday or a floating holiday.

Full holiday pay will be granted to all regular and orientation employees for full-time or regular part-time positions. Employees shall be at work on the work day immediately preceding and the work day immediately following a holiday to be eligible for that holiday with the following exceptions:

- (1) When an official holiday occurs during a scheduled vacation, the charge against the employee's earned vacation shall be reduced by one day.
- (2) When requested in advance in writing to and approved in writing by the administrator when receiving compensatory time off or a floating holiday.
- (3) Illness when verified to the supervisor and/or the administrator.
- (4) By council action under extraordinary circumstances responding to a petition request by the employee in writing.

Regular part-time employees will receive pro-rata holiday pay for holidays for which they would otherwise be scheduled to work. Holiday pay cannot allow a regular part-time employee to

receive more pay than their normal average work week pay. (Amended by Ordinance No. 97-15, passed October 27, 1997)

206.08 Funeral Leave. Full time employees working forty (40) hours per week, not serving the orientation period, are allowed three (3) days paid funeral leave or five (5) days paid funeral leave due to the death of a spouse, child or parent. Regular part-time employees who work twenty-five (25) or more regularly scheduled hours per week, not serving the orientation period, are allowed pro-rata paid funeral leave. Paid funeral leave is allowed for parent, spouse, child, grandchild, brother, sister, grandparent, parent-in-law, brother/sister-in-law and grandparent-in-law. Additional leave may be taken and will be deducted from compensatory time or vacation leave and must be approved in advance by the supervisor or administrator. Attendance at a funeral not listed as eligible paid funeral leave may be authorized by the supervisor or administrator and will be deducted from compensatory time or vacation leave. Employees not eligible for paid funeral leave or employees who have no earned accumulated compensatory time or vacation leave may attend a funeral when authorized by the supervisor or administrator without pay. (Amended by Ordinance No. 8915, passed November 28, 1989; Ordinance No. 90-01 passed February 13, 1990; Ordinance No. 91-06 passed July 23, 1991; and Ordinance 10-01 passed January 26, 2010)

206.09 Vacation With Pay.

Subd. 1. Amount Allowed. Full-time hourly employees shall earn paid vacation as detailed herein. Regular part-time employees will receive a pro-rata schedule of the same.

<u>Years of Service</u>	<u>Annual Earned Vacation</u>	<u>Max Vacation Banked</u>
Six months to one year	40 hours	N/A
1 to 2 years	80 hours	160 hours
2 to 5 years	120 hours	200 hours
6 to 10 years	160 hours	240 hours
11 to 20 years	200 hours	280 hours
21 years or more	240 hours	320 hours

(Amended by Ordinance No. 90-14 passed December 20, 1990; Ordinance No. 91-06, passed July 23, 1991; Ordinance No. 02-17 passed December 23, 2002; and Ordinance 10-01 passed January 26, 2010)

Subd. 2. Accumulation. Vacation earned shall be posted monthly to each employee's account commencing January 30, 2010. On January 29, 2010, each employee's vacation account shall be brought current for any vacation accrued from the last anniversary date to January 29, 2010. For instance, accrual of two hundred forty (240) hours of vacation per year would be posted at twenty (20) hours each month. After December 31, 2010, employees shall not be allowed to accumulate vacation time beyond the maximum banked amount identified in the table above. Once an employee has reached the maximum banked amount the employee will stop earning vacation time until the accumulated amount is reduced below the maximum allowed amount. Council may, under exceptional circumstances, permit an employee to take up to twenty (20) hours of vacation before it has accrued. (Amended by Ordinance 90-14, passed December 20, 1990; Ordinance 10-01 passed January 26, 2010)

Subd. 3. Accrual During Leave. For the purpose of accruing vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working. Vacation leave shall not be earned by any employee during a leave of absence without pay, except a military reserve leave of absence without pay, or time otherwise not worked or paid.

Subd. 4. Administration. Supervisors are responsible for scheduling vacation leave and should take into consideration seasonal demands. The employee who requests time off first shall be given priority. Should two employees simultaneously request the same vacation time off, the senior employee shall be given preference. Vacation leave shall normally be scheduled in weekly periods but at no time in increments of less than eight (8) hours. All vacation leave must be noted on the leave calendar posted in city hall.

Authorized vacation pay may be paid to the employee in advance of his/her departure upon written request to the administrator not less than three (3) working days prior to the last working day before departure.

Vacation leave shall not accrue during an employee's leave of absence without pay, except in the case of a job-related injury or illness.

Employees shall not be entitled to a cash payment in lieu of vacation leave, except upon termination in good standing or upon written request to and approval of the council or the administrator, under exceptional circumstances. (Amended by Ordinance No. 89-5, passed March 28, 1989)

Subd. 5. Terminal Leave. Any regular full-time employee or regular part-time employee leaving the employ of the city in good standing after giving at least two (2) weeks notice of termination of employment shall be compensated for all unexpired vacation time accrued and unused to the date of separation including current year accrual for the following year use. (Amended by Ordinance No. 90-14, passed December 20, 1990, and Ordinance No. 91-06 passed July 23, 1991)

Subd. 6. Proceeds to Employee's Estate. The estate of any regular full-time employee or regular part-time employee who dies while employed by the city shall be entitled to receive the value of the employee's accrued unused vacation time in cash. (Amended by Ordinance No. 91-06 passed July 23, 1991)

206.10 Sick Leave.

Subd. 1. Amount For The Year 2010. Beginning with the adoption of this policy and ending December 31, 2010, sick leave shall be a benefit provided to all regular full-time and regular part-time employees which shall be accrued at the rate of eight (8) hours per month for full-time employees and on a pro-rata basis for regular part-time employees. The first twenty-one (21) hours of sick time each year shall not accrue and shall be set aside to pay for the employee's disability insurance. (Amended by Ordinance 07-15, passed December 11, 2007; Ordinance 10-01, passed January 26, 2010)

Subd. 2. Amount For The Year 2011 and Future. Beginning on January 1, 2011, sick leave shall be a benefit provided to all regular full-time and regular part-time employees which shall be accrued at the rate of ten (10) days annually for full-time employees and on a pro-rata basis for regular part-time employees. (Amended Ordinance 10-01, passed January 26, 2010)

Subd. 3. Purpose and Administration. Sick leave shall be granted to employees not on personal leave when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth or pregnancy disability, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may be granted by the administrator in order to care for a sick family member requiring attention. To be eligible for sick leave, the employee shall:

- (1) Report as soon as possible to the supervisor or administrator the reason for absence.
- (2) Keep the supervisor informed on the condition.
- (3) If the employee is out of work more than five (5) days due to an illness or serious health condition or disability the employee will not be allowed to return to work until the required form is completed by their physician stating that they are capable of performing their job or listing any work restrictions. The city requires a physician's form to return to work for any serious illness, injury or medical condition that may affect an employee's job performance even if they are absent less than five (5) days. (Amended Ordinance 10-01, passed January 26, 2010)

The administrator shall be notified by the supervisor of all employees absent on sick leave. Sick leave shall not be granted for less than one-half hours. (Amended Ordinance No. 04-17 December 14, 2004)

Subd. 4. Penalty. Using or claiming sick leave for a purpose not authorized shall be cause for disciplinary action.

Subd. 5. Accrual During Leave. For the purpose of accruing vacation or sick leave, an employee using earned vacation leave or sick leave is considered to be working. Sick leave shall not be earned by any employee during a leave of absence without pay, except a military reserve leave of absence without pay, or time otherwise not worked or paid.

Subd. 6. Sick Leave Buy-Back. Any regular full-time or regular part-time employee leaving the employ of the city in good standing after giving at least two (2) weeks notice of such termination of employment shall be compensated for all unused accrued sick leave accrued prior to January 30, 2010 as follows: (Amended by Ordinance 04-17, passed December 14, 2004; Ordinance 10-01, passed January 26, 2010)

- (1) After ten (10) years of continuous service paid as termination pay at twenty-five (25) percent the employee's rate of pay at the time of termination.
- (2) After fifteen (15) years of continuous service paid as termination pay at fifty (50) percent the employee's rate of pay at the time of termination.
- (3) After twenty (20) years of continuous service paid as termination pay at seventy-five (75) percent the employee's rate of pay at the time of termination.

Sick leave accumulated after January 29, 2010 shall not be paid out to employees upon termination of employment. The accumulated sick leave prior to January 30, 2010 will be saved

in a separate sick leave bank to be used or paid out at termination per the policy in effect on January 28, 2010. (Amended Ordinance 10-01, passed January 26, 2010)

206.11 Injury Leave. Injury leave shall be granted to regular and orientation full-time and regular part-time (twenty-five (25) hours weekly or over) employees who are incapacitated as a result of injury or occupational disease incurred, subject to the condition that the injury or disease qualifies the employee for benefits from Worker's Compensation insurance. During such injury leave, the employee shall be entitled to full compensation and employee benefits for a period not to exceed six (6) months while absent from work by reason of such injury or disease. The amount of any compensation shall be reduced by any payment received by the injured employee from Worker's Compensation Insurance. In no case shall the employee's net compensation, including Worker's Compensation insurance benefits, exceed the employee's regular rate of net compensation. Compensation for injury leave shall be terminated upon the date of certification of a competent medical authority, approved by the administrator, that the employee can return to duty. (Amended by Ordinance No. 91-06 passed July 23, 1991)

The city reserves the right to require the employee to see a physician selected by the administrator for evaluation, such examination paid for by the city. The employee shall sign such releases as may be necessary to release the evaluation to the city.

Whenever an employee is injured on the job, a report of such accident shall be made immediately to the supervisor and the administrator. This report shall give all known details and circumstances pertaining to the injury. Such employee shall fill out such forms and reports as are required under Worker's Compensation law and regulations and by the city's Worker's Compensation insurance carrier.

206.12 Leaves Without Pay. The council may grant any regular full-time or regular part-time employee a leave of absence without pay for a period not exceeding one hundred and twenty (120) calendar days except that council may extend such leaves to a maximum period of one (1) year in case the employee is disabled or where extraordinary circumstances, in council's judgment, warrant such extension. In no instances shall an employee be granted a personal leave without pay if he/she can use accumulated compensatory time, accumulated sick leave or accumulated vacation time. No vacation benefits, holiday leave, or sick leave shall accrue during a leave of absence without pay. Employees shall request such leaves in writing in advance of the date so desired. In unusual circumstances, the administrator may grant an employee leave without pay, not to exceed one working day, without first obtaining council approval. All leave without pay shall be subject to cancellation by council if at any time it is found that the employee is using the leave for purposes other than specified. (Amended by Ordinance No. 91-06 passed July 23, 1991)

City-paid benefits, if desired, shall be kept in force and paid by the employee during the entire leave of absence.

Upon reinstatement following leave of absence without pay, the employee may be reinstated in the position, or a like position, he/she vacated at the inception of the leave. If the leave was granted for medical reasons, council may require a written statement from the attending physician, confirming the employee's ability to perform his/her duties. Failure to report for work within three (3) working days of the expiration of the leave shall be considered a resignation.

206.13 Absence Without Leave. Any absence of an employee from scheduled duty that is not promptly reported to, and authorized by, the administrator and/or council shall be

deemed an absence without leave for which compensation shall not be paid. Unauthorized absence of an employee for three (3) consecutive working days shall be considered as a resignation, except in cases where the conditions of such absence were beyond the employee's control. Such termination shall not be considered a resignation in good standing, and the employee shall not be eligible for separation benefits.

206.14 Jury or Witness Duty. When an employee performs jury duty or is subpoenaed as a witness in court or voluntarily serves as a witness in a case in which the city is a party, the employee is entitled to compensation from the city equal to the difference between his/her regular pay based on an eight (8) hour day and the amount received as a juror or witness. Time spent on jury duty shall not be counted as time worked in computing overtime. Employees shall notify the administrator as soon as possible after receiving notice to report for jury duty and will be responsible for insuring that a report of jury duty is completed by the Clerk of Court each week so the city will be able to determine the amount of compensation due for the period involved. An employee excused or released from jury duty during his/her regular working hours shall report to work immediately unless there is less than two (2) hours remaining in the regular working day and then he/she will report to the administrator that he/she will report to work the next working day.

206.15 Military Leave. Every employee to whom Minnesota Statutes §192.26 or §192.261 or U.S.C.A., Title 38, §2021 applies is entitled to the benefits afforded by those sections subject to the conditions therein prescribed.

206.16 Affirmative Action. It is the policy and intent of the city to provide equality of opportunity in employment to all persons. This policy prohibits discrimination because of race, color, creed, religion, national origin, political affiliation, disability, marital status, status with regard to public assistance, affectional preference, sex or age (except where sex or age is a bona fide occupational qualification) in all aspects of its personnel policies, programs, practices, and operations.

206.17 Schools and License. Employees shall attend such schools and obtain such licenses as the council may require. Fees and other expenses for attending such schools shall not be at the employee's expense.

206.18 Political Activities. All employees and officers of the city shall be governed by the current state and federal statutes regarding political activities.

206.19 Officials Under Worker's Compensation Act. Pursuant to Minnesota Statutes §176.011, Subd. 9, Clause 5, the elected officials of the city and those municipal officers appointed for a regular term of office are hereby included in the coverage of the Minnesota Worker's Compensation Act.

206.20 Outside Employment. Employees of the city will obtain prior approval from the administrator and council before engaging in any other employment, activity, or enterprise for private gain.

Subd. 1. Determining Factors. In determining whether such outside employment or activities for private employment constitute a conflict of interest with public duties or are inconsistent or incompatible with public employment, the following, though not necessarily limited to shall be considered:

- (1) The use for private gain or advantage of city time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of city employment.
- (2) Receipt or acceptance by the employee of any money or other consideration from anyone other than the city for the performance of an act which the employee would be required or expected to perform in the regular course of his/her duties as employee.
- (3) The performance of an act in other than his/her capacity as an employee, which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by such employee.
- (4) Potential conflicts with the best interest of the city.

Subd. 2. Discipline. Failure to notify administrator/ council of outside employment by the employee shall be cause for disciplinary action as outlined in this Chapter.

206.21 Group Insurance. (Amended by Ordinance No. 89-15, passed November 28, 1989; Ordinance No. 07-15, passed December 11, 2007)

- (1) A group health/dental insurance program shall be provided for all full-time orientation and regular full-time employees. The city shall pay 60% of dependent coverage for health insurance only. Employees electing to take the dependent health and/or dental coverage will have the balance deducted from their paycheck twice a month. (Amended by Ordinance No. 91-06 passed July 23, 1991)
- (2) Regular part-time employees who work twenty-five (25) or more regularly scheduled hours per week, orientation or regular, shall be allowed to participate in the group health/dental insurance program if the administrator or clerk/treasurer is notified within thirty (30) days of employment in writing. The City will pay a pro-rated amount of the employee's health and dental premium and a pro-rated amount of the employee's dependent health insurance premium based on number of hours worked per year (i.e., an employee working 1,664 hours per year, the City pays 80% of single coverage and 48% of family health insurance). Employees electing to take this coverage will have the insurance premiums deducted from their paycheck twice a month. (Amount set by Insurance Section of Compensation Plan.) (Amended by Ordinance No. 90-14 passed December 20, 1990; Ordinance No. 91-06 passed July 23, 1991; Ordinance 06-01, January 10, 2006)
- (3) Any employee enrolled in the city's health coverage terminated for reasons other than disability may elect to continue health coverage for the employee and dependents for eighteen (18) months or until he/she is re-employed, whichever occurs first, provided the employee pays the cost of such continuation of coverage to the employer or insurer. Within five (5) days after the termination, the city shall notify the employee of the right to continue coverage (Minn. Stat. §62A.17). It shall be the responsibility of the city clerk to so notify the terminated employee.

- (4) The city shall pay the premium for life insurance for \$10,000.00 for all orientation and regular full-time and regular part-time employees. (Amended by Ordinance No. 90-05, passed May 22, 1990, and Ordinance No. 91-06 passed July 23, 1991)
- (5) Short and Long Term Disability Insurance Program. A group short and long term disability insurance program shall be provided for all regular full time employees and regular part time employees who work twenty-five (25) or more hours per week and all those employees shall participate in the group disability insurance program. (Amended by Ordinance 07-15, passed December 11, 2007)
 - (a) Beginning with the adoption of this policy and ending on December 31, 2010, the city will pay the premiums by deducting time from each employee's sick time bank per month. Each employee is required to maintain their sick time bank at a minimum of twenty-one (21) hours. (Amended Ordinance 10-01, passed January 26, 2010)
 - (b) Beginning January 1, 2011, the city will pay the short and long term disability insurance as part of the benefits for full and part time employees. The premium will be pro-rated for part-time employees as listed in Section 206.21.(2) above. (Amended Ordinance 07-15, passed December 11, 2007; Ordinance 10-01, passed January 26, 2010)

206.22 Exposure to Hazardous Substances. Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 (Laws 1983, Ch. 316, 182.65-182.675) shall be trained before being assigned or reassigned work exposing him/her to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where information about hazards is stored in the workplace, how the hazards are labeled, and where to obtain specific information. The administrator and the public works supervisor shall provide for such training and for compliance with the Minnesota Employee Right to Know Act of 1983, including the establishment of specific policies to insure compliance with the state law and regulations. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

206.23 Resignation. Any employee wishing to leave the employ of the city in good standing except for mandatory retirement under Section 206.28 shall file with the administrator, at least fourteen (14) days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. The administrator shall notify council as soon as possible when an employee submits a written resignation. Failure to comply with this procedure may be considered cause for denying the employee future employment by the city and denying termination leave benefits.

Employees who resign in good standing shall receive pay for unused accrued compensatory time (206.06), vacation (206.09), and sick leave (206.10).

206.24 Layoffs. After at least two (2) weeks notice to the employee, the council may lay off any employee whenever such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. No regular or orientation full-time

employee shall be laid off while there is a regular part-time, part-time or temporary employee serving in the same class of position for which the regular or orientation full-time employee is qualified, eligible, and available. The administrator, at his discretion, may recommend lay off based on qualifications. (Amended by Ordinance No. 91-06 passed July 23, 1991)

Recall shall be on the basis of qualifications as compared among those on layoff status for a particular classification. Notice of recall, recommended by the administrator and approved by council, indicating position and department shall be sent by certified mail to the employee's last known address. The employee has fifteen (15) working days from date of notice to report and failure to report within that time shall be considered a resignation. The open position will then be offered to the next person on the recall list following the procedure explained above.

206.25 Grievance Policy. It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee grievance comes to the attention of a supervisory employee, the supervisor shall discuss all relevant circumstances with the employee, and the employee's representative if the employee so desires, consider and examine the causes of the grievance, and attempt to resolve it to the extent that he/she is able and authorized to do so. The supervisory employee should immediately consult with the administrator and document action taken at this level. If the grievance is not dealt with to the employee's satisfaction at the administrator level within fourteen (14) days, the employee may bring it before the council, which shall then take up the matter at its next regularly scheduled meeting.

No employee shall be disciplined for seeking redress through the grievance procedure or as a result of his/her testimony.

(Amended by Ordinance 91-02, passed March 12, 1991)

206.26 Cause for Disciplinary Action.

- (1) Employees shall be subject to disciplinary action and possible immediate termination for failing to fulfill their duties and responsibilities. (Amended Ordinance 10-01, passed January 26, 2010)
- (2) An adequate reason or cause for disciplinary action shall include, but is not limited to, each of the following kinds of conduct:
 - (a) Conduct or performance on the job which indicates a lack of ability to adequately perform the duties of the position or classification held by the employee.
 - (b) Conduct or performance on the job which indicates a failure to produce the quality of work the position or classification requires.
 - (c) Conduct or performance on the job which demonstrates insubordination, which is defined as a refusal to follow appropriate written or oral procedures, instruction or directions from a supervisor or the administrator.

- (d) The solicitation or acceptance of money or anything of value to influence the decisions of an employee in public matters or as a reward for such decisions.
- (e) Being under the influence of alcohol, narcotics or any other controlled substance while on the job except drugs prescribed by the employee's physician. No employee shall drive any vehicle or equipment owned, leased or under the control of the city while under the influence of alcohol, narcotics or controlled substances, whether or not prescribed by a physician, if such operation would threaten the safety of the employee, other persons, or property.
- (f) Sleeping on the job.
- (g) Conduct or performance on the job which demonstrates a deliberate attempt to cause poor morale or disrespect among employees by actions or attitude on the job.
- (h) Habitual or excessive tardiness in reporting for scheduled working hours.
- (i) Being absent from a scheduled work assignment during working hours without permission.
- (j) Stealing, misappropriation or conversion of city property or the property of other employees.
- (k) The willful violation of any reasonable city rule or regulation which has been adopted in written form and is known, or reasonably should be known, to the employees involved.
- (l) Has engaged in political activities restricted under Section 206.18 of this Chapter.
- (m) Personal appearance or lack of cleanliness while on the job which exhibits symptoms of lack of hygiene, bringing unpleasantness to citizens of the city or other city employees.
- (n) Reporting for a scheduled work assignment in clothing or other aspects contributing to appearance, which the supervisor or administrator has reasonably advised the employee is not acceptable or appropriate for the work assignment or duties performed by that employee.
- (o) Has been convicted of a felony.
- (p) Has been convicted of a misdemeanor involving moral turpitude or casting doubt on the employee's ability to properly perform his/her job.
- (q) If an employee has been charged with the commission of a felony, he/she may be suspended without pay pending a valid disposition of the charge. If final resolution of the charge does not result in a valid conviction, the council shall determine whether the conduct of the employee involved moral turpitude or casts doubt on the ability of the employee to perform

his job; and if council so determines, such conduct shall constitute “cause” for appropriate disciplinary action. Any such determination may be appealed according to the grievance procedure.

- (r) If an employee has been charged with the commission of a misdemeanor involving moral turpitude, he/she may be suspended without pay pending a valid disposition of the charge. If final resolution of the charge does not result in a valid conviction, the council shall determine whether the conduct of the employee involved moral turpitude or casts doubt on the ability of the employee to perform his/her job; and if so determined, such conduct shall constitute “cause” for appropriate disciplinary action. Any such determination may be appealed according to the grievance procedure.
- (s) Conduct which constitutes harassment as defined in Section 206.30. (Added by Ordinance No. 89-6, passed June 12, 1989)
- (t) Retaliatory action taken against any person because such person reported harassment, investigated harassment, was a witness in or participated in any way in an investigation of harassment. (Added by Ordinance No. 89-6, passed June 12, 1989)
- (u) An employee who carry’s a gun on their person, or store it in their desk, locker, or any city building or city vehicle. (Added by Ordinance No. 03-04 passed June 24, 2003)

206.27 Disciplinary Action/At Will. (Amended by Ordinance No. 92-03, passed March 5, 1992)

Subd. 1. In General. City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including observance of work rules adopted by the council. Employment with the City shall be “at-will”, and may be changed or terminated by the City at any time for any lawful reason. No contract of employment shall be binding upon the City unless it is in writing and is signed by the Mayor and City Clerk on behalf of the City. The terms and conditions of employment may be changed by the City at any time for any lawful reason. There is no guarantee of employment for any specific length of time, nor are the guidelines in the personnel ordinance intended to create any express or implied contract rights.

Subd. 2. Disciplinary Actions. The City has no fixed set of graduate disciplinary steps which are required to be adhered to in all instances. The discipline taken could result in, but may not include, a written reprimand, suspension from work with or without pay, or immediate termination. The action taken will be based on the circumstances as reviewed by the Council. The City reserves the right to evaluate each situation as it occurs and determine the appropriate action. All supervisor initiated termination must be approved by Council.

Should the employee have any challenges or questions regarding a discipline that may be issued, the employee has the right to a hearing before Council.

Subd. 3. Definitions.

- (1) Written Reprimand. A written reprimand may state that the employee is being warned, description of the warning, timetables and goals for improvement and an outline of future penalties/reprimands, should the problem continue. The employee shall be given a copy of the reprimand and sign the original copy. The signature of the employee does not mean that he/she agrees with the reprimand but that he/she has received it. The reprimand shall be placed in the employee's file but shall be removed from the file after two (2) years from the date of issuance if there has been no subsequent reprimand and if no other disciplinary action has been instituted.
- (2) Suspension. An employee may be suspended by the supervisor pending investigation of an allegation of misconduct. If the allegations prove false, the statements shall be removed from the employee's personnel file, and the employee shall receive compensation to which he/she would have been entitled had the suspension not taken place.
- (3) Termination. The Council may, as a disciplinary action, dismiss any employee. A notice shall contain the reason for the termination, the procedure for requesting a hearing and the employee's rights under the veteran's preference law if he/she is a veteran.
- (4) Hearing. An employee requesting a hearing before council regarding disciplinary actions, must submit a written request to the City Clerk, within five (5) working days of the notification of the action. The Council shall consider the matter within ten (10) working days from that date of request, unless the city and employee agree on an earlier or later date. If the action involves the removal of a veteran, a hearing shall be held in accordance with the MN Statutes, Section 197.46. Any employee may examine his/her personnel file in the presence of the Administrator at a mutually convenient time or may be given copies of his/her file at the employee's request and expense.

Subd. 4. Other Disciplinary Actions. The following other disciplinary actions may be taken against any employee:

- (1) Involuntary demotion.
- (2) Withholding a salary increase or decreasing the employee's salary. The employee shall be notified in writing of the action and reasons thereof. A copy of the notice shall be placed in the employee's file. In no case shall an employee's salary be decreased below the minimum of the salary range of the class or below the applicable minimum wage.

206.28 Retirement Policy.

Subd. 1. General Rule. Every regular full-time and regular part-time employee of the city shall automatically be retired upon reaching the age of seventy (70) years, except as provided in Subd. 2, and except where retirement at an earlier age is necessary as a bona fide occupational qualification. This section does not apply to veterans (Minn. Stat. §197.46). (Amended by Ordinance No. 91-06 passed July 23, 1991)

Subd. 2. Retention After Age 70. If the administrator finds that the interests of the city will best be served by allowing a person to remain in the employ of the city after reaching seventy (70) years of age because the employee's services are especially needed or a suitable replacement would be especially difficult to find, the administrator may recommend to the council no later than sixty (60) days before the employee's retirement date that the employee be retained after the employee's seventieth (70th) birthday. Unless the council disapproves such retention within three (3) weeks after receipt of the recommendation of the administrator, the administrator may continue the employment of such person for one (1) year. Any such employee may be retained for successive one-year periods until reaching the age of seventy-five (75) upon the annual recommendation of the administrator and approval of the council.

Subd. 3. Retirement Pay. Retiring employees who leave the city service in good standing shall receive pay for unused accrued compensatory time (Section 206.06), vacation (Section 206.09), and sick leave (Section 206.10).

206.29 Personnel Ordinance Distribution to Employees. Current employees shall receive a copy of the personnel ordinance within a week of publication and new employees shall be given a copy upon being made an offer of employment.

All amendments shall be distributed to employees upon publication. Notice shall be given to all employees of intent to amend the personnel ordinance including date of council meeting at which the amendment will be considered. The employee(s) may be heard by council but attendance is on the employee's own time.

206.30 Harassment. (Added by Ordinance No. 89-6, passed June 12, 1989)

Subd. 1. Policy and Purpose.

- (1) This section is intended to provide each employee as well as private citizens seeking city services or having business with the city the protection necessary to work and function in a productive environment, free of harassment as defined in this section. Harassment is a form of employee misconduct which seriously undermines the integrity of the employee relationships and relationships between members of the public and the city.
- (2) It is the policy of the city to maintain a work environment free from harassment. Harassment on the part of any employee toward a co-worker, subordinate, supervisor or private person will neither be condoned nor tolerated. All employees are responsible to uphold the highest standards of conduct, honesty and integrity to assure proper performance of city business and to maintain public trust. It is essential to this policy to ensure that harassment does not occur and that city employees are sensitive to the adverse effects of harassment.

Subd. 2. Harassment Defined. Harassment includes, but is not limited to slurs, jokes, other verbal, graphic or physical conduct relating to an individual's race, color, sex, religion, national origin, handicap, age, sexual preference, any unwelcome sexual advances, requests for sexual favors and other verbal, graphic or physical conduct of a discriminatory nature.

Subd. 3. Reporting Harassment. Any employee who believes he/she or another employee or a member of the public is the victim or subject of harassment by a city employee is

strongly encouraged to report the harassment to his/her supervisor or, if such supervisor is alleged to be a perpetrator of harassment, to that supervisor's superior. For purposes of this paragraph the mayor shall be deemed the superior of the city administrator.

Subd. 4. Content of Report. The person reporting harassment, to the extent possible, shall provide the following information:

- (1) Specific facts about any incident;
- (2) Dates of incidents;
- (3) Identity of the perpetrator;
- (4) Identity of witnesses;
- (5) Recommendation as to remedial measures.

Subd. 5. Investigations. Upon receipt of a report of harassment, the person who received the report shall conduct, or cause to be conducted, a thorough investigation of the allegations.

Subd. 6. Discipline. Any employee found to have committed harassment shall be disciplined in accordance with Section 206 27.

Subd. 7. Retaliatory Action. No employee shall take any retaliatory action against any person because such person reported harassment, was a witness in an investigation of harassment or participated in any way in an investigation of harassment. It shall not be a retaliatory action to discipline an employee who makes a false report of harassment if it is shown:

- (1) There was absolutely no basis in fact for the report; and
- (2) The report was made for the purpose of harassing, vexing, mollifying, vilifying, embarrassing, or intimidating the alleged perpetrator of harassment.

Subd. 8. Confidentiality. All reports, investigations, results of investigations, identities of parties and witnesses, and disciplinary action taken as a result of harassment shall be kept as confidential as possible consistent with federal and state privacy laws and regulations.

Subd. 9. Criminal Investigation. If an investigation of harassment reveals possible criminal activity, the investigator shall immediately report such activity to the chief of police or the city attorney who shall determine if further investigation or prosecution shall be taken.

Subd. 10. Supervisor's Responsibilities. All supervisory personnel shall take affirmative steps to prevent harassment including, but not limited to, discussing this ordinance with their subordinates in general meetings, at the time employee evaluations are made, informing all subordinates of their rights and obligations under this ordinance, and taking measures to sensitize subordinates as to what constitutes harassment and its impact individuals and the work environment.

(Personnel Chapter amended by ordinance 87-17, passed November 24, 1987.)

(Entire Personnel Chapter amended by Ordinance 89-15, passed November 28, 1989, by changing "Permanent Part-time Employee" to read "Regular Part-time Employee" throughout.)

(Entire Personnel Chapter Amended by Ordinance 91-06, passed July 23, 1991, by changing "Permanent Employee" to "Regular Employee"; changing "Probationary Employee" to "Orientation Employee"; and "Probationary Period" to "Orientation Period" throughout.)

207. Fire Department

207.01 Establishment. For the proper protection of the lives and property of the city, there is hereby organized a volunteer fire department to be known as the Rockford Fire Department.

207.02 Complement. The department shall consist of not less than twenty firefighters and not more than a number equal to ten percent (10%) of the area served by the fire department.

207.03 Officers. The officers of the department shall be a chief and an assistant chief. The chief and assistant chief shall be elected annually at the first meeting held in December, subject to confirmation by the council.

207.04 Chief's Duties.

Subd. 1. Supervision. The chief or in his absence the assistant chief shall have supervision over all the apparatus and other equipment, examine the same as often as necessary and see to it that it is properly kept, cared for, and placed.

Subd. 2. Drills and Fires. The chief shall order drills and practices as often as is advisable and see to it that all members of the department understand their work. He shall have full power and absolute control at all fires.

Subd. 3. Reports. The chief shall in January of each year make a report to the council of the calls answered by the department, within and without the city limits, stating the approximate loss or damage of each, type, location, response time and number of personnel responding.

Subd. 4. Inspections of Buildings and Premises. (Amended by Ordinance No. 05-12, passed October 11, 2005)

- (1) The chief of the fire department, or any subordinate designated by him/her, may, at all reasonable hours, enter any building or premises within his/her jurisdiction for the purpose of making any inspection, or investigation which, under the provisions to the state fire code, he/she or they may deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.
- (2) It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the fire department officers or members, all buildings and premises, except the interior of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of the state fire code and of any other ordinance affecting the fire hazards, and to insure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.

- (3) The chief of the fire department or an inspector thereof, upon the complaint of any person or whenever he/she or they shall deem it necessary, shall inspect any building and premises within their jurisdiction.

207.05 Members. As vacancies occur or as it may be deemed necessary, new members may be accepted into the department, subject to approval of the council. No new member shall be accepted into the department who is under the age of 18 or over the age of 45. Nothing in this Section shall be deemed to prohibit a member who is 45 years of age or more from continuing as a member of the department if such person became a member prior to attaining the age of 45. (Amended by ordinance 90-10, passed June 26, 1990.)

207.06 Meetings. The department shall meet at least once a month.

207.07 Equipment. All equipment and apparatus acquired by the department, either by purchase or contribution, shall become and remain the property of the city.

207.08 Outside Service. The department is hereby authorized to answer fire calls outside of the city limits and when so doing shall be considered as on duty as firefighters of the city.

207.09 Relief Association. The members of the department may form and organize a Volunteer Firefighters Relief Association, pursuant to state law.

207.10 Firefighter Banquets. The council may authorize and pay for up to two banquets per year for the members of the fire department and one guest for each member. (Amended by Ordinance No. 84-1, passed April 24, 1984)

208. Parks and Recreation Commission

208.01 Establishment. There is hereby created the Rockford Parks and Recreation Commission.

208.02 Scope and Purpose. The scope of the activity of this commission shall consist of advising the council and other city advisory commissions regarding matters relevant to the parks and recreation functions of the city. The general purpose of this commission is to monitor and reflect the attitudes and concerns of the citizens of the city relative to the parks system and recreational programs, and to advise the council of citizen attitudes and policy matters relevant to the parks and recreation functions in the city.

208.03 Duties and Responsibilities. The responsibilities of the commission shall be to:

- (1) Develop and recommend to the council, and upon their adoption, monitor the execution of a comprehensive plan and park classification system for the parks and recreation functions in the city and from time to time, make recommendations for any changes it deems necessary.
- (2) Annually report to the council regarding achievements toward fulfillment of such comprehensive plan and recommended amendments.
- (3) Frequently visit city parks and keep informed of current recreation programs in order to continually review and evaluate the parks system development and recreation programming.
- (4) Develop and recommend methods to stimulate positive public interest in parks and recreation functions.
- (5) Develop and recommend feasible methods of discouraging vandalism and destruction of park facilities.
- (6) Develop and recommend feasible methods of financing recommended park improvements.
- (7) Serve as a forum for the citizens of the city to voice their opinions regarding parks and recreation activities and functions.
- (8) Promote coordination with the school district serving the city, encouraging the interchangeable use of city and school district facilities and programs to the best interest of citizens.
- (9) Encourage dissemination of information to and coordination with city organizations interested in the park and recreation functions such as garden clubs, athletic groups, civic organizations and the like.
- (10) Encourage coordination with the other communities and agencies to the extent appropriate in matters pertinent to the parks and recreation functions.

- (11) Develop and transmit recommended capital improvements annually to the council for inclusion in the capital improvements program.
- (12) Review and make recommendations to the council on development proposals consistent with adopted policies, ordinances, regulations and the comprehensive plan.
- (13) Review and recommend items to be included in the parks and recreation annual budget.

208.04 Members and Terms. The commission shall consist of five (5) members. Members of the commission shall be appointed by the mayor upon the majority consent of the council for staggered terms of three years, except that any person appointed to a term for which his predecessor was appointed shall be appointed only for the remainder of such terms. Upon expiration of his term of office, the member shall continue to serve until his successor is appointed. (Amended by Ordinance 87-3, passed March 9, 1987.)

208.05 Qualifications of Membership. Members of the commission shall be residents of the city while serving on the commission and shall represent as broad a range as possible of interests in the parks and recreation functions.

208.06 Chair. The chair shall be appointed annually by the mayor with majority consent of the council. The chair may be removed by the mayor with the majority consent of the council. The chair shall assure fulfillment of the following responsibilities in addition to those otherwise described:

- (1) Preside over meetings of the commission.
- (2) Appear or appoint a representative to appear as necessary before other city advisory commissions and the council to present the viewpoint of the commission on matters pertaining to parks and recreation functions as they relate to business under consideration by said commissions or council.
- (3) Review all council, planning commission, and other advisory commission minutes and inform the parks and recreation commission of matters therein relevant to the parks and recreation functions.
- (4) Provide the liaison with other governmental and volunteer units in matters relating to the parks and recreation functions for the purpose of obtaining and providing timely information. The vice chair shall be appointed annually by the chair. The vice chair shall perform such duties as may be assigned by the chair and shall assume the responsibilities of the chair in absence of the chair.

208.08 Resignations, Removals, and Vacancies. Commissioners may resign voluntarily or may be removed from office by the mayor with the consent of the majority vote of the council. Three of five unexcused absences from duly called commission meetings shall constitute automatic resignation from office. Vacancy in the commission shall be filled by mayoral appointment with the majority consent of the council. Each member shall before entering upon the disposition of his duties, take an oath that he will faithfully perform the duties of his office.

208.09 Compensation. Commissioners shall be paid the third week in December in an amount as established by City Council resolution annually. (Amended by Ordinance No. 02-12, passed August 27,2002)

208.10 Rules and Procedures. The commission shall adopt such rules and procedures not inconsistent with these provisions as may be necessary for the proper execution and conduct of business.

208.11 Meetings. The commission shall hold one regular meeting each month at city hall, unless otherwise specified, the meeting time and day to be established by the commission at its first meeting of the calendar year for each year. Official minutes of each meeting shall be kept by the designated member and filed in the office of the clerk-treasurer one week after the meeting. (Amended by Ordinance 89-15, passed November 28, 1989.)

208.12 Staff. The administrator/planner shall serve as staff liaison to the commission. The staff shall perform such ministerial duties on behalf of the commission as may be assigned.

208.13 Ex-officio Members. The mayor shall appoint a councilmember to serve as an ex-officio member to the commission, privileged to speak on any matter, without a vote, who shall provide a liaison between the commission and the council.

208.14 Quorum. A majority of the entire commission shall be a quorum to transact business, and less than a quorum may recess a meeting to a future date. In the event of vacancies, the "entire commission" shall be temporarily reduced to include only those members legally entitled to participate, and the quorum shall be a majority of the temporarily reduced "entire commission". (Amended by Ordinance No. 96-06, passed August 19, 1996)

209 Escrow Deposits

209.01 Intent. Certain licensed and permitted activities carried on in the city require the assistance of the city engineer, city attorney, city planner, or other city personnel. As these activities primarily benefit private persons rather than the city as a whole, it is appropriate that the cost of these services be borne by those benefiting thereby. Sections 209.01-209.06 are intended to provide a method whereby this end will be furthered.

209.02 Escrow Deposit Required. Applications for subdivision approval, rezoning, conditional use permits, planned unit developments, zoning variances, sewer connection permits, liquor licenses, building permits, annexation petitions, and other municipal considerations may require a cash deposit which shall be placed in an applicant's escrow account in an amount sufficient to pay all engineering, legal, and planning fees incurred by the city, and such other costs as may be made the applicant's responsibility, in connection with the application/ petition and the supervision, inspection and investigation of the permitted activity. The deposit shall be held in the account and shall be credited to the applicant making the deposit. All engineering, legal, and planning fees, and such other costs as may be made the applicant's responsibility, incurred in connection with an application shall be charged to the applicant's escrow account and credited to the city. (Amended by Ordinance No. 95-14, passed September 26, 1995)

209.03 Fee Schedule. The Council shall establish fees for services rendered by the city attorney, city engineer, city planner, and other city personnel. The fee schedule shall be provided to all persons making applications listed in 209.02 upon request.

209.04 Individual Fees. Based on the fee schedule adopted pursuant to 209.03, the clerk-treasurer shall determine the amount of the escrow deposit required after consultation with the city attorney, city engineer, city planner, and other city personnel whose services may be required. All time, services, and materials to be billed to an escrow account shall be itemized.

209.05 Enforcement.

Subd. 1. Application. The application listed in 209.02 shall not be accepted or processed by the city unless accompanied by an escrow deposit as provided in this chapter.

Subd. 2. Deficits. If at any time it appears that a deficit will occur in any escrow account, the clerk-treasurer may then require an additional deposit in the escrow account sufficient to cover the additional expenses. Failure to make such additional deposits, or to pay to the city money owed for legal, engineering or other services for which the applicant is by ordinance made responsible in connection with an application in 209.02 shall be grounds for denial or revocation of the permit or license, or cessation of work on a particular project. Such permit or license shall be revoked only after a hearing preceded by ten days written notice.

209.06 Refund. Any money remaining in an applicant's escrow account after payment of all required engineering, legal, and other fees shall be returned to the applicant.

210. Civil Defense

210.01 General.

Subd. 1. Policy. 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 fire, flood, earthquake or other natural causes, and in order to insure that preparations of this city 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 this city, it is hereby found and declared to be necessary:

- (1) To establish a local organization for civil defense;
- (2) To provide for the exercise of necessary powers during civil defense emergencies;
- (3) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of civil functions.

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

210.02 Definitions.

Subd. 1. Civil Defense. "Civil defense" means 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 natural causes. These functions include, without limitation, firefighting services, police services, medical health services, rescue, engineering, air-raid warning services, communications, radiological, chemical and other special weapons 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.

Subd. 2. Civil Defense Emergency. "Civil defense emergency" means an emergency declared by the governor under Minnesota Statutes, Section 12.31, or an emergency proclaimed by the mayor under 210.06.

Subd. 3. Civil Defense Forces. "Civil defense forces" means any personnel employed by the city and any other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense functions in accordance with the provisions of this chapter or any rule or order thereunder.

210.03 Civil Defense Agency.

Subd. 1. Created. There is hereby created with the city government a civil defense agency, which shall be under the supervision and control of a director of civil defense, hereinafter called the director. The director shall be appointed by the mayor for an indefinite term and may be removed by him at any time. The director shall serve without salary but shall be paid for his necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the mayor. The civil defense agency shall be organized into such divisions and bureaus, consistent with state and local civil defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The civil defense agency shall perform civil defense functions within the city and in addition shall conduct such functions, outside the city as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951 as amended or this chapter.

Subd. 2. Advisory Committee. There is hereby created within the civil defense agency a civil defense advisory committee, hereinafter called the "committee". Members of the committee shall be appointed by the mayor to represent city departments and other groups concerned with civil defense. The mayor shall be chairman and the director shall be the secretary of the committee. The committee shall advise the director and the council on all matters pertaining to civil defense. Each member shall serve without compensation and shall hold office at the pleasure of the mayor.

210.04 Powers and Duties of Director.

Subd. 1. Intergovernmental Relations. The director, with the consent of the mayor, shall represent the city on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted and he 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 civil defense agency and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the governor.

Subd. 2. Research. The director shall make such studies and surveys of the manpower industries, resources and facilities of the city as he deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of civil defense emergency.

Subd. 3. Planning. The director shall prepare a comprehensive general plan for the civil defense of the city and shall present such plan to the council for its approval. When the council has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the civil defense activities of the city to the end that they shall be consistent and fully integrated with the civil defense plan of the Federal government and the state correlated with the civil defense plans of other political subdivisions within the state.

Subd. 4. Training. In accordance with the state and city 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 city civil defense plan in time of a civil defense emergency. He may, from time to time, conduct such practice air-raid alerts or other civil defense exercises as he may deem necessary.

Subd. 5. City Facilities. The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city 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 civil defense agency and to the governor upon request. The head of each department and the agency, 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.

Subd. 6. Volunteers. The director shall, in cooperation with existing city departments and agencies affected, organize, recruit and train air-raid wardens, auxiliary police, auxiliary firemen, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the city and the state. To the extent that such emergency personnel are recruited to augment a regular city department or agency for civil defense emergencies, they shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the city.

Subd. 7. Medical Facilities. Consistent with the civil defense plan, the director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers, and other facilities, or conveyances for the care of the injured or homeless persons.

Subd. 8. Governor's Orders. The director shall carry out all orders, rules and regulations issued by the governor in reference to civil defense.

Subd. 9. Authority. The director shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

Subd. 10. Control Center. Consistent with the civil defense plan, the director shall provide and equip at some suitable place in the city a control center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. He shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies authorized by Federal or state authority to carry on civil defense activities during a civil defense emergency. He 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 municipal services and other agencies concerned with civil defense and for communication with other communities and control centers, within the surrounding area and with the Federal and state agencies concerned.

Subd. 11. Conscription. During the first 30 days of a civil defense emergency if the legislature is in session or the governor has coupled his declaration of the emergency with a call for a special session of the legislature, the director may, when necessary to save life or property, require any person, except members of the Federal or state military forces and officers of the state or any other political subdivision, to perform services, for civil defense purposes, as he directs, and he may commandeer, for the time being, any motor vehicle, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.

210.05 Volunteer Personnel.

Subd. 1. Eligibility and Oath. No person shall be employed or associated in any capacity in the civil defense agency who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment for information charging any subversive act against the United States. Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths in this state department of civil defense, the director, or ground observer corps supervisor. The oath shall be substantially in the form prescribed by M.S. 12.43.

Subd. 2. Duties and Compensation. Civil defense volunteers 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.

Subd. 3. Identification. Each civil defense volunteer shall be provided with suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the Federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person, except an authorized volunteer, shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

Subd. 4. Weapons. No civil defense volunteer shall carry any firearm while on duty except on written order of the chief of the police department.

Subd. 5. Personnel Policies. Chapter 206 of this code shall not apply to volunteer civil defense workers, but shall apply to any full-time paid employees of the civil defense agency.

210.06 Emergency Regulations.

Subd. 1. Emergency Defined. For purposes of Section 210.06, "civil defense emergency" includes, in addition to the meaning given in 210.02, Subd. 3, disasters caused by fire, flood, windstorm, or other natural causes.

Subd. 2. Declaration by Mayor. Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the council, the mayor may by proclamation promulgate regulations, consistent with applicable Federal or state law or regulation, respecting: 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 safeguarding of essential public

services; emergency health, fire and safety regulations, trials, 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. 3. Emergency Regulations. Every proclamation of emergency regulations shall be in writing and signed by the mayor, 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 clerk-treasurer, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the clerk-treasurer's office shall be conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. By like proclamation the mayor may modify or rescind any such regulation.

Subd. 4. Review and Expiration. The 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 an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

Subd. 5. Emergency Contracts. During a civil defense emergency the city is, notwithstanding any statutory or charter provision to the contrary, empowered, through its governing body acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. 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 including, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to tow bids, and requirements for budgets.

210.07 Financial Provisions.

Subd. 1. Accounting. There is hereby established an account in the city general fund to be known as the civil defense fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the civil defense agency 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; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund in any case when their application will prevent compliance with the terms and conditions of any Federal or state grant of money or property for civil defense purposes.

Subd. 2. Reporting. The director shall, as soon as possible after the end of each fiscal year, prepare and present to the council for the information of the council and the public, a comprehensive report of the activities of the civil defense agency during the year.

210.08 Intergovernmental Cooperation.

Subd. 1. State and Federal Relations. Every officer and agency of the city shall cooperate with Federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest extent possible consistent with the performance of their other duties. The provisions of this chapter 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 therewith.

Subd. 2. Special Police. The council may appoint any qualified person holding a position in any agency created under Federal or state authority for civil defense purposes as a special policeman of the city, with such police duties and powers within the city incident to the functions of his position, not exceeding those of a regular policeman of the city, as may be prescribed in the appointment. Every such policeman 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.

210.09 Prohibited Illumination. Any illumination within the city contrary to the provisions of this or any other chapter pertaining to civil defense or of any regulation adopted thereunder or of any Federal or state law, regulation, or order shall be deemed a public nuisance. Any regular or auxiliary policeman or air-raid warden may abate such nuisance summarily or may take any other action necessary to enforce such provisions, including entry on private property and the use of whatever reasonable force is necessary.

210.10 Political or Labor Activity. The civil defense agency shall not participate in any form of political activity nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

211. Unclaimed Property

211.01 Unclaimed Property defined. "Unclaimed property" means any money or personal property, except animals and motor vehicles, lawfully coming into the possession of the city and remaining unclaimed by the owner.

211.02 Procedure.

Subd. 1. General. The designated law enforcement agency shall make a reasonable and diligent effort to find the owner of any unclaimed property and restore the same to him.

Subd. 2. Motor Vehicles. Abandoned motor vehicles shall be disposed of as provided by Minnesota Statutes Chapter 168B.

Subd. 3. Animals. Abandoned animals shall be disposed of as provided by Section 501.09, Subd. 4.

211.03 Found Property. A receipt shall be issued to any person who finds lost or abandoned property or money and delivers it to the custody of the city. Such person may indicate in writing that he wishes to assert a claim to such property or money as a finder. If the finder so indicates, and the property or money remains unclaimed by the owner for 90 days, the property or money shall be delivered to the finders.

211.04 Perishable or Dangerous Property. Any unclaimed property which is perishable, or which would lose the greater part of its value by being retained for 90 days, or which is determined by the designated law enforcement agency to be dangerous shall be disposed of at the discretion of the designated law enforcement agency in the manner deemed appropriate by it.

211.05 Money. Any money which is not claimed by the owner within 90 days or by a finder pursuant to 211.03, or which was seized from illegal gambling, shall be deposited in the city's general fund.

211.06 Property Seized as Evidence. Any property seized as evidence shall, when no longer needed as evidence, property returned to the owner, unless otherwise subject to lawful detention. Such property which is otherwise subject to lawful detention shall be destroyed or otherwise disposed of as directed by the court.

211.07 Disposal.

Subd. 1. City Use. Any unclaimed property for which no other manner of disposal is provided by 211.01 - 211.06 and which is not claimed by the owner within 90 days may be appropriated to city use upon approval of such appropriation by the council.

Subd. 2. Sale. Any property described in Subdivision 1 which is not appropriated to city use shall be sold by the designated law enforcement agency to the highest bidder at public auction. Notice shall be published for two successive weeks of the time, place, and manner of sale. The notice shall also describe the property to be sold.

Subd. 3. Proceeds. The proceeds from a sale of unclaimed property shall be deposited in the city general fund. A record shall be made of the sale price of each item sold, and the sale price shall be paid to the former owner, if claim is made within six months of the sale and satisfactory proof of ownership is presented.

Subd. 4. Unsold Property. Any unclaimed property remaining unsold after public auction shall be disposed of as directed by the council.

212. Service, License, and Permit Fees

212.01 Intent. It is the intent of this chapter to establish a consolidated and uniform setting of fees for services, licenses and permits. In the event of conflict between this general fee section and a fee established by a specific chapter, the later adopted fee shall prevail.

212.02 Scope. The following shall be the fees for the licenses, services and permits listed below:

- (1) All fees charged to the escrow account, Section 209.03 shall be Administrative City Staff - \$60.00 per hour; hourly City Staff - \$35.00 per hour; and all other fees for attorney, engineer, planner and development consultant shall be the rate currently being charged to the City.
- (2) Excavation permits, Section 301.02 - \$100.00.
- (3) Sewer installed, Section 401.04, Subd. 2 - \$30.00.
- (4) Water permit and inspection, section 402.02 (8) -\$30.00.
- (5) Utility meter installation fee, Section 402.03, Subd. 4 shall be set by resolution each year. (Amended by Ordinance No. 98-02, March 30, 1998)
- (6) Discontinued water service, Section 402.08, Subd. 1 - \$50.00.
- (7) Dog licenses, Section 501.06 - neutered or spayed \$12.00 every two years, other \$18.00 every two years. (Amended by Ordinance 96-01, passed 5/20/96). This fee will be prorated for persons purchasing their licenses after July 1st. On Citywide vaccination day, dog owners will be allowed a discounted dog license fee of \$3.00 if neutered or spayed and other \$5.00 per year. Fee for licenses purchased between January 1, 1993 and June 30, 1993, will be applied to the 1993-94 license if issued before this ordinance becomes effective. (Amended by Ordinance 93-2, passed March 23, 1992)
- (8) Dog tags (in the event of loss), Section 501.07 \$5.00. (Amended by Ordinance No. 92-19, passed October 13, 1992)
- (9) Fireworks license - \$200, Section 611 Sale of Fireworks. (Amended by Ordinance No. 02-08, passed May 29, 2002)
- (10) Impoundment of animals, Section 501.09 - \$30.00 for first impoundment within twelve months, \$45.00 for every impoundment thereafter within twelve months, plus actual boarding fees and impoundment costs of the kennel where the animal is kept.
- (11) Kennel permit fee, Section 501.13 - \$40.00.
- (12) Dance license, Section 601.02 - \$100.00, late fee \$10.00, lost application \$5.00. (Amended by Ordinance No. 94-04, passed January 25, 1994)

- (13) Amusement centers and devices, Section 602.05 – one to twelve machines - \$60.00; amusement centers \$200.00 plus \$5.00 per machine; late fee to twelve machines - \$6.00; late fee amusement centers \$20.00; lost application \$5.00. (Amended by Ordinance No. 94-04, passed January 25, 1994)
- (14) Large assembly fee, Section 603.03 - \$300.00.
- (15) Rental Housing License, Section 612 - \$25.00 per Single Family home, \$ 25.00 per duplex, and \$75.00 per building for buildings with more than 2 units (Added by Ordinance 07-04, April 24, 2007)
- (16) Taxi Cab license, Section 607.06 - \$50.00, plus \$10.00 investigation fee per driver. (Added by Ordinance No. 92-07, passed March 27, 1992)
- (17) Pawn Shops, Pawnbrokers and Secondhand Goods Dealer, Section 608.05 - License Fee - \$75.00, Section 608.09, Subd. 2 - Investigation Fee - \$250.00. (Amended by Ordinance No. 95-06, passed April 11, 1995)
- (18) Telecommunication Permit, Section 610.02, Subd. 4 -Permit Fee - \$200.00; Lost application - \$5.00. (Added by Ordinance No. 95-12, passed July 25, 1995)
- (19) Liquor licenses, Section 701.04 – On-Sale -\$4,200.00, late fee \$360.00; (Amended by Ordinance No. 04-02, passed February 10, 2004,) Off-Sale \$100.00, late fee \$10.00; Sunday - \$200.00, late fee \$20.00; Temporary \$40.00, late fee \$4.00; lost applications \$5.00 per application. (Amended by Ordinance No. 94-04, passed January 25, 1994.) Liquor Licenses, Section 701.05, Subd. 1 Investigation Fee - \$250.00. (Added by Ordinance No. 95-06, passed April 11, 1995)
- (20) Beer licenses, Section 702.04 – On-Sale - \$180.00, late fee \$18.00; Off-Sale - \$30.00, late fee \$3.00; Temporary - \$10.00, late fee \$1.00. Lost applications \$5.00 per application. (Amended by Ordinance 93-05, passed May 11, 1993 and Ordinance No. 94-04, passed January 25, 1994)
- (21) Consumption and display permits, Section 703.02 \$300.00 (non-refundable), late fee \$30.00, lost application \$5.00. (Amended by Ordinance No. 9404, passed January 25, 1994)
- (22) Wine Licensing, Section 704.04 - \$180.00, late fee \$18.00, lost application \$5.00. (Amended by Ordinance No. 94-04, passed January 25, 1994)
- (23) Motorized golf car permit fee, Section 805.02 \$10.00 per year. (Added by Ordinance No. 92-15, passed May 26, 1992)
- (24) False Alarms - Section 906.03 - \$250.00. (Added by Ordinance No. 92-07, passed March 27, 1992)
- (25) Garbage Haulers' License Fee, Section 907.06 (3), \$100.00 per year, late fee \$5.00, lost application \$5.00. (Amended by Ordinance No. 95-08, passed May 9, 1995)

- (26) Conditional use permits, Section 1001.03, Subd. 5 residential \$100.00; commercial/industrial \$300.00.
- (27) Mobile home park fees, Section 1001.15, new mobile home park - \$500.00, plus \$5.00 per lot; initial setting of mobile home on lot - \$50.00; re-inspection - \$10.00.
- (28) Variance fee, Section 1001.18, Subd. 3(3) \$200.00. (29) Rezoning fee, Section 1001.18, Subd. 5(1)(b) \$300.00, Comprehensive Plan Amendment - \$300.00.
- (30) Plat application, Section 1002.04, Subd. 2(1)(e) and Subd. 3(2) - \$500.00 or \$10.00 per acre whichever is greater, PUD Concept Plan - \$200.00, Revised Final Plat Fee - \$300.00 (Amended Ordinance 07-03, April 10, 2007)
- (31) Exception to subdivision (lot division/consolidation), Section 1002.08(4) - \$300.00.
- (32) Land Alteration Permit Fee, Section 1007 - \$200.00
- (33) Site plan review by site administrator for new construction - \$200.00.
- (34) Storage Tank Removal Permit, review by City Fire Marshal \$50.00 (Added by Ordinance No. 05-07, passed June 14, 2005)

212.03 General License Requirement. All license applications to operate a business shall provide evidence of compliance with Minnesota Statutes 176.182. Failure to provide such evidence shall be grounds for denial of a license and terminate the processing of application.

213. Code of Ethics for Council, Board and Commission Members

(Section 213 added by Ordinance No 86-1, Passed February 10, 1986)

213.01 Purpose. The council confirms its determination that ethical standards among its members and members of the various city boards and commissions are essential to the proper conduct of municipal public affairs. By eliminating conflicts of interest and providing a guide for conduct in city matters, the council strives to promote the faith and confidence of the citizens of the city in their government. The following standards of conduct are intended to serve as guidelines for members of the council, boards and commissions in carrying out their public responsibilities. This policy is in addition to any statutory requirements, attorney general opinions or court rulings which prescribe allowable actions for council, board and commission members.

213.02 Standards of Conduct.

Subd. 1. No Special Privileges. Council members, or members of any board or commission, shall not use their positions to secure special privileges or exemptions for themselves or others or to intentionally jeopardize the position or employment of others.

Subd. 2. Conflict of Interest. Council members or members of a board or commission may not participate in deliberations in any matter before the council, board or commission which affects that member's financial interests directly or indirectly or those of a business with which the member is associated. Whenever such conflict is recognized, the affected members shall disclose for the record such interest prior to any discussion or vote and disqualify themselves from any further official activity on the issue.

Subd. 3. Agent or Attorney. Council members or members of a board or commission shall not act as an agent or attorney for another in any matter before the council or any board or commission.

Subd. 4. Compensation or Gratuity. Council members or members of a board or commission shall not directly or indirectly receive, or agree to receive, any compensation, gift, reward or gratuity as an inducement to support or influence any matter or proceeding connected with, or related to, the duties of the office.

Subd. 5. Active Interest. Any councilmember or member of a board or commission who is an officer, director, partner, agent, proprietor or employee of any firm or has a proprietary interest of 10 percent or more in any company, business, enterprise or corporation, partnership, labor union or association doing business with the city shall make known that interest in writing as provided in the disclosure section of this policy. Nothing in this paragraph shall be construed as authorizing any contract otherwise prohibited by law.

213.03 Disclosures. No later than thirty (30) days after the date of the adoption of this policy, existing council, board and commission members shall receive a copy of this policy and the disclosure form and return the completed form to the city clerk. Council members elected or appointed subsequent to the date of adoption of this policy shall no later than thirty (30) days following election or appointment to office complete the disclosure form and return it to the city clerk. All subsequent applicants for membership on city boards and commissions shall file a completed disclosure form together with the application form for board/commission membership. Within thirty (30) days after the acquisition or sale of any property, each

councilmember or member of a board or commission shall file as a public record with the city clerk, a list of all real property in the city owned by such person, that person's spouse, or child, or in which the member has a beneficial interest, disclosing each individual item held, and by whom. Homestead shall be excluded from the above disclosure. Each councilmember and member of a board or commission shall disclose all positions as officer, director, partner, agent, proprietor or employee of any firm in which such member has a proprietary interest of 10\$ or more in any company, business, enterprise, corporation, partnership, labor union or association doing business with the city, and indicate with respect to each such relationship whether services are gratuitous or for compensation.

213.04 Disclosure Form. The disclosure information required by this policy shall be set forth on a form which shall be made available by the city clerk.

213.05 Discipline. Upon the signed written complaint of any person questioning adherence to this policy or on the council's own volition, the council shall refer the matter to the city attorney for investigation and the city attorney shall report the results of his investigation to the council within forty-five (45) days thereafter. A copy of such report shall be furnished to the person complained against. Such person may request a hearing on this matter before the council, which request shall be filed with the city clerk not later than ten (10) days following receipt by such person of the city attorney's report.

Upon receipt of the city attorney's report and at the conclusion of any hearing on the matter, the council, by majority vote, may dismiss the complaint as having no merit, may adopt a resolution of censure, or with respect to members of advisory boards and commissions, the council may remove a member from such board or commission. In the event the complaint is against a member of the council, such member shall not participate in the council's deliberations or vote with respect thereto.

214. Police Department
(Deleted in its entirety by Ordinance No. 91-05, passed July 9, 1991)

214. Workers Compensation

214.01 Coverage. Pursuant to Minnesota Statutes Section 175.011, subdivision 9, clause 5, the elected officials of the city and those municipal officers appointed for a regular term of office, members of the Planning and Zoning Commission, members of the Park and Recreation commission, members of the Police Advisory Committee, and members of a council appointed committee if so designated when appointed are hereby included in the coverage of the Minnesota Workers Compensation Act.

(Chapter 215, Workers Compensation, renumbered to Chapter 214 by Ordinance No. 91-05 passed July 9, 1991.)