

## **TITLE III: ADMINISTRATION**

Chapter

**30. CITY COUNCIL**

**31. CITY OFFICIALS**

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## CHAPTER 30: CITY COUNCIL

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### ***COUNCIL MEMBERS; MAYOR***

#### **§ 30.01 ELECTIONS; WHEN HELD.**

The city general election for the Mayor and Council Members is held on the first Tuesday after the first Monday in November in every even-numbered year.

## **§ 30.02 TERM OF OFFICE.**

Terms of office for the 4 Council Members and the Mayor are for 4 years, with the Council Members serving varying tenures.

## ***MEETINGS AND PROCEDURES***

### **§ 30.15 MEETINGS.**

(A) *Regular meetings.* Regular meetings of the City Council shall be held at such times as may be determined by the City Council. The City Clerk shall keep a schedule of the regular meetings of the City Council and post the schedule of regular meetings at the City Center, post office, and library. Meetings, including special and adjourned meetings, are held in the City Center, unless designated otherwise by the City Council. (Ord. 5-21-2009, passed 5-21-2009)

(B) *Special meetings* Special meetings, and regular meetings held at a time or place different from the time or place stated in the schedule of regular meetings, will be called following state law and notices posted at the City Center, post office, and library. (Ord. 5-21-2009, passed 5-21-2009)

(C) *Initial meeting.* At the first regular City Council meeting in January of each year the City Council must:

- (1) Designate the depositories of city funds;
- (2) Designate the official newspaper;

(3) Choose 1 of the Council Members as Acting Mayor who is to perform the duties of the Mayor during the absence of the Mayor or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies; and

(4) Appoint officers and employees and those members of boards, commissions, and committees as may be necessary.

(D) *Public meetings.* City Council meetings, including special and adjourned meetings and meetings of Council committees, are open to the public, unless otherwise provided by law.

### **§ 30.16 PRESIDING OFFICER.**

(A) *Who presides.* The Mayor presides at City Council meetings. In the absence of the Mayor, the Acting Mayor presides. In the absence of both the Mayor and Acting Mayor, the City Administrator must call the meeting to order and preside until the Council Members present choose 1 of their number as presiding officer.

(B) *Procedure.* The presiding officer must preserve order, enforce the rules of procedure, and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the City Council are conducted in accordance with the latest edition of *Robert's Rules of Order, Revised*.

(C) *Appeal procedure.* A Council Member may appeal to the City Council from a ruling of the presiding officer. If the appeal is seconded, the Council Member may speak once solely on the issue and the presiding officer may explain the ruling, but no other Council Member may participate in the discussion. The appeal is sustained if it is approved by a majority of the Council Members present exclusive of the presiding officer.

(D) *Rights of presiding officer.* The presiding officer may make motions, second motions, or speak on any question. On demand of any Council Member, the presiding officer must designate a Council Member to preside temporarily and vacate the chair.

### **§ 30.17 MINUTES.**

(A) *Record.* Minutes of City Council meetings are kept by the City Administrator. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the City Administrator and can be identified by reference in the minutes.

(B) *Approval.* The minutes of each meeting must be written, signed by the City Administrator, and copies delivered to each City Council Member with the agenda for the next regular meeting. Copies of the minutes shall be stamped draft copy or unapproved copy or unofficial minutes. At the next regular City Council meeting, approval of the minutes must be considered. The minutes need not be read aloud, but the presiding officer must call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be entered without a vote of the City Council; and if there is an objection, the City Council must decide by vote. If there are no additions or corrections, the minutes are deemed approved.

**§ 30.18 ORDER OF BUSINESS.**

(A) *Agenda.* City Council agendas may include the following:

- (1) Call to order and roll call;
- (2) Approval of agenda;
- (3) Approval of minutes;
- (4) Approval of bills and purchase orders;
- (5) Approval of investments;
- (6) Public hearings;
- (7) Reports;
- (8) Action items;
- (9) Unfinished business;
- (10) New business;
- (11) Informational items; and
- (12) Adjournment.

(B) *Varying order.* The order of business may be varied by the presiding officer; but all public hearings must be held at the time specified in the notice of hearing or as nearly at that time as is reasonable in the judgment of the presiding officer.

**§ 30.19 QUORUM AND VOTING.**

(A) *Quorum.* A majority of the Council Members constitutes a quorum for the transaction of business, but a smaller number may adjourn. The City Council may discipline for failure to attend a meeting.

(B) *Voting.* The votes of the Council Members on any question may be taken in any manner that signifies the intention of the individual Council Members. The votes of the Council Members on any action taken must be recorded in the minutes. The vote of each Council Member must be recorded on

each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any Council Member is present but does not vote, the minutes, as to the name of the member, must be marked *abstain* or *present - not voting*.

(C) *Votes required.* A majority vote of all Council Members is necessary for approval of an ordinance unless a greater number is required by law. Except as otherwise provided by law, a majority vote of a quorum prevails.

### **§ 30.20 ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS.**

(A) *Readings.* Ordinances and resolutions must be presented in writing. An ordinance or resolution need not be read in full unless requested by a Council Member.

(B) *Signing and publication proof.* Ordinances and resolutions must be signed by the Mayor, attested by the City Administrator, and filed in the ordinance file. Ordinances or a summary must be published, and proof of publication must be attached to the ordinance.

(C) *Motions, petitions, and communications.* The City Council shall establish procedures for the receipt of information. Motions must be stated in full before being submitted to a vote by the presiding officer and must then be recorded in the minutes.

### **§ 30.21 SUSPENSION OR AMENDMENT OF PROCEDURES.**

A 2/3 vote of the Council Members shall be required to suspend or amend these procedures.

## ***COMPENSATION***

### **§ 30.35 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.**

The compensation of the Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time.

**§ 30.36 BOARD OF REVIEW COMPENSATION.**

The Mayor and Council Members are to be paid in an amount as established from time to time by City Council ordinance each meeting they attend as members of the Board of Review.

**§ 30.37 AREA DEVELOPMENT AUTHORITY COMPENSATION.**

The Mayor shall be paid in an amount as established from time to time by City Council ordinance for each meeting attended as other members of the Area Development Authority.

**§ 30.38 EXPENSES; REIMBURSEMENT.**

(A) *Reimbursement.* The Mayor and Council Members on city business authorized by the Council are to be reimbursed upon presentation of a statement of expenses with evidence of the expenditures for mileage, meals, lodging, and other expenses pursuant to city reimbursement policies.

(B) *Per diem allowance.* The Mayor and Council Members shall be paid in an amount as established from time to time by city ordinance in addition to reimbursement for expenses set forth in this section when attending a meeting, conference, seminar, employee wage and benefit negotiation meeting, or judicial proceeding on behalf of the city. This provision does not apply to regular or special meetings of the Council.

Section

31.01 City Administrator

31.02 City Forester

**CHAPTER 31: CITY OFFICIALS**

**§ 31.01 CITY ADMINISTRATOR.**

(A) The office of the City Administrator is established and shall perform the duties assigned and required by law. The City Council must provide for an annual audit of the city's financial affairs by the State Auditor or a certified public accountant in accordance with minimum auditing standards established by the State Auditors.

(B) (1) Pursuant to the authority of M.S. § 412.111, as it may be amended from time to time, the city creates a position, which shall be known as and designated as City Administrator.

(2) The office of City Administrator shall replace the office of the City Clerk-Treasurer, and all of the duties and responsibilities of the City Clerk-Treasurer as prescribed by law shall be the duties of the City Administrator. All further duties and responsibilities may be described and set forth in a job description for the position of City Administrator.

(3) All city and public utilities departments shall report to the City Administrator and the City Administrator shall coordinate these departments with the city's Public Utilities Commission and the City Council.

(Ord. 2000-A, passed 1-20-2000)

**§ 31.02 CITY FORESTER.**

The office of the City Forester is established. The City Forester serves for a term of 1 year and is appointed annually at the first business meeting of the City Council. The City Council may require the City Forester to establish tree development programs and the prevention of tree diseases.

## **CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS**

### Section

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## ***BOARDS AND COMMISSIONS***

### **§ 32.01 PARKS AND RECREATION BOARD.**

(A) *Board established.* There is established a park board known as the City Parks and Recreation Board.

(B) *Composition.* The Board shall consist of 7 members who may be residents of the city or surrounding area. The Board shall be appointed by the Mayor with the consent of the City Council. Two members of the Board shall also be members of the Melrose Area Development Authority.

(C) *Terms of office.* The Board shall have staggered 3-year terms. In making appointments, 2 members are appointed for 1 year, 2 members are appointed for 2 years, and 3 members are appointed for 3 years. All successor appointments shall be for 3-year terms. On an annual basis, the Board must elect from its members a chair, vice chair, and secretary. Vacancies occurring are filled for unexpired terms by the Mayor with consent of the City Council.

(D) *Meetings.* The Board shall meet at least quarterly and at other times as necessary.

(E) *Compensation.* The Board members shall be paid compensation as established by the City Council. Board members may be reimbursed for expenses pursuant to city reimbursement policies.

(F) *Powers and duties.* The Board is established pursuant to, and has the powers, duties, and limitations specified in, M.S. §§ 412.501 through 412.531, as they may be amended from time to time. The Board shall:

(1) Have under its control all city property which is in the form of parks, trails, paths, river and recreation areas which affect the quality of life;

(2) Formulate rules and regulations for use of properties under its control;

(3) Coordinate the use of the properties with school and community needs;

(4) Study and evaluate existing facilities and make recommendations to the City Council regarding their adequacy and future development;

(5) Undertake projects, obtain cost estimates, advertise for bids within city and statutory guidelines, and oversee construction and maintenance of projects to be undertaken within the Board budget;

(6) Study and implement maintenance, improvement, and beautification of city facilities within the Board budget and make recommendation to the City Council for expenditures exceeding the budget; and

(7) Do whatever other acts are reasonable, necessary, and proper to carry out its functions.

(G) *Report to City Council.* The Board shall submit a written report of its activities and recommendations to the City Council at least annually.

(H) *Budget.* A special fund shall be established and designated as the Parks and Recreation Fund. The City Council shall transfer to the Fund money it deems necessary for parks and recreation purposes. This shall constitute the budget of the Board. All payments drawn on the account of the Board shall be by written statements signed by 2 officers of the Board directing the City Administrator to prepare and deliver payment. All expenditures shall be consistent with the operation of the Board, pursuant to this section and Minnesota Statutes.  
(Ord. 1999-D, passed 2-18-1999)

## **§ 32.02 PLANNING AND ZONING COMMISSION.**

(A) *Establishment and composition.* There is established a Planning and Zoning Commission consisting of 7 members. Members are appointed by the City Council and may be removed by a vote of 4 Members of the City Council. The City Council may appoint a Council Member as a member of the Commission.

(B) *Terms.* Commission members are appointed for terms of 4 years. Members hold office until their successors are appointed and qualify. Vacancies are filled by the City Council.

(C) *Compensation.* The Commission members are paid compensation established by the City Council. Commission members may be reimbursed for expenses pursuant to city reimbursement policies.

(D) *Meetings.* The Commission must elect a chair and a vice chair from among its appointed members for a term of 1 year; and the Commission may create and fill other offices as it may determine. The City Administrator or the City Administrator's designee acts as secretary of the Commission. The Commission shall meet quarterly and at other times as necessary. The Commission must adopt rules for the transaction of business and shall keep adequate records. The Commission shall file reports as requested by the City Council and required by law.

(E) *Powers and duties.* The Commission has those powers and duties provided by M.S. §§ 462.351 through 462.364, as they may be amended from time to time, and by this code. The Commission is designated the planning agency of the city in accordance with M.S. § 462.354, as it may be amended

from time to time. The Commission shall prepare a comprehensive plan for the physical development of the city and recommend adoption of the plan to the City Council. The Commission is the Board of Adjustments and Appeals pursuant to the city's Zoning Code.

### **§ 32.03 MELROSE PUBLIC UTILITIES COMMISSION.**

The Melrose Public Utilities Commission is established. The Commission has the powers and duties provided by M.S. §§ 412.331 through 412.391, as they may be amended from time to time, and this code.

***Editor's note:***

*Resolution 8, adopted October 7, 1907 established the water, light, power and building commission. Ordinance 1964-1-A adopted December 31, 1964 vested the exclusive management and control of the wastewater operations to the commission. A resolution adopted April 18, 1991 changed the official name of the utilities to the Melrose Public Utilities with its governing board to be known as the Melrose Public Utilities Commission.*

### **§ 32.04 PUBLIC SAFETY COMMISSION.**

(A) *Commission established.* There is established a Commission known as the City Public Safety Commission to advise the City Council on public safety matters, including police, fire, and ambulance services. The Commission shall be subject to the authority of the City Council.

(B) *Composition of Commission.* The Commission shall consist of 5 members, 1 of whom shall be a Member of the City Council. The City Administrator shall be a nonvoting, ex-officio member of the Commission. The City Administrator may authorize a member of city staff to represent the City Administrator at Commission meetings. No more than 2 members of the Commission shall reside outside of the city. Commission members shall not be city employees or members of the Police Department, Fire Department, or Ambulance Department.

(C) *Terms of office.* The Commission members, with the exception of the City Council representative, shall be appointed by the City Council and shall have staggered 4-year terms. In making initial appointments, 1 member is appointed for 1 year, 1 member is appointed for 2 years, 1 member is appointed for 3 years, and 1 member is appointed for 4 years. In subsequent appointments, the members shall be appointed for 4-year terms. The City Council representative shall be appointed annually by the Mayor with the consent of the City Council. On an annual basis, the Commission must elect from its members a chair, vice chair, and secretary. Vacancies occurring are filled by appointment of the City Council.

(D) *Meetings.* The Commission shall meet quarterly and at other times as necessary. The Chief of Police, Fire Chief, and Ambulance Coordinator shall attend meetings as requested.

(E) *Compensation.* The Commission members are paid compensation established by the City Council. Commission members may be reimbursed for expenses pursuant to city reimbursement policies.

(F) *Duties and functions.* The Commission shall recommend to the City Council proposed policies, rules, and regulations regarding public safety. Duties and functions include:

(1) Assisting the City Council in long range planning and research in the area of public safety, including intergovernmental cooperation, personnel recommendations, and public information programs;

(2) Developing ethical codes for members of the Police, Fire, and Ambulance Departments and a citizen inquiry (complaint) procedure on matters of public safety;

(3) Developing and maintaining an emergency operations plan and a crisis communication plan;

(4) Promoting public interest in, and an understanding of, the Police, Fire, and Ambulance Departments;

(5) Cooperating with community groups and civic organizations and furnishing support and advice;

(6) Conferring with and advising the City Council, researching, holding public meetings, and preparing written recommendations;

(7) Serving as a forum for the citizens of the city to voice their opinions regarding community safety activities and functions; and

(8) Encouraging cooperation with other communities and agencies to the extent appropriate in matters pertinent to community safety.

(G) *Records.* The Commission must keep a complete record of its proceedings, which will be a public record. A copy of the minutes of each regular or special meeting must be filed with the City Administrator. The Commission must submit any reports as the City Council may require. (Ord. 2004-C, passed 2-19-2004; Am. Ord. 2004-G, passed 7-15-2004)

## ***DEPARTMENTS***

### **§ 32.15 POLICE DEPARTMENT.**

(A) *Establishment.* A Police Department is established, and the head of the Department is the Chief of Police. The number of additional members of the Department, together with their ranks and titles, is determined by the City Council. The compensation of the members is fixed by the City Council. Members of the Department are appointed by the City Council.

(B) *Chief of Police.* The Chief of Police supervises and controls the Police Department. The Chief of Police is responsible for law enforcement in the city. The Chief of Police is responsible for proper training and discipline of the members, for keeping of adequate records, and shall report to the City Administrator. Members of the Department must obey the instructions of the Chief of Police and any superior officer. The City Council may designate 1 of the police officers as Sergeant, who has the powers and duties of the Chief of Police during the absence of the Chief of Police.

(C) *Duties of police.* Members of the Police Department must enforce the ordinances and laws applicable to the city, bring violators before the county court, and make complaints for offenses. Members of the Department must serve processes on behalf of the city and must serve those notices as may be required by the City Council or other authority.

(D) *Uniform and badge.* Each member of the Department must, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Department, the member must immediately deliver to the city the member's badge, uniform, and all other property of the city in the member's possession.

(E) *Extra police.* In case of a law enforcement emergency, the City Council may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During that term of appointment, the special police officers have only those powers and perform only those duties specifically assigned by the Chief of Police.  
Penalty, see § 10.99

### **§ 32.16 VOLUNTEER FIRE DEPARTMENT; EMERGENCY SERVICE CHARGES.**

(A) *Fire Department established.* There is established a Volunteer Fire Department consisting of a Chief, 2 Assistant Chiefs, and a Training Officer. The number of Department members shall be determined by policy of the City Council. The name of the Department shall be the Melrose Fire Department (Department).

(B) *Management.* The City Council may from time to time adopt policies relating to the management and regulation of the Department. The Department may make policy recommendations for consideration by the City Council.

(C) *Appointment.* The Chief, Assistant Chiefs, Training Officer, and Department members shall be appointed by the City Council. The Department will make recommendations for consideration by the City Council.

(D) *Duties of Chief.* The Chief controls the Department equipment and is responsible for its care and condition. The City Council shall require reports on the maintenance and condition of the equipment as deemed necessary. The Chief is responsible for the proper training and discipline of the Department members.

(E) *Records.* The Chief must keep adequate records of all fire and rescue calls. The records must include all calls and details of emergencies and, as to fire calls, the time of the call, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose of which occupied, value of building and contents, members of the Department responding to the call, and other information as may be required by the City Council or state.

(F) *Training.* The Council may determine the number of training meetings. The Chief must hold a monthly training meeting of at least 1-hour's duration for the Department and will give or arrange for instruction to the Department members in approved methods of fire fighting, fire prevention, and rescue procedures.

(G) *Assistant Chief.* In absence of the Chief, the First Assistant Chief performs the functions and exercises the authority of the Chief.

(H) *Members.* The Assistant Chiefs and Department members must be able-bodied and not less than 18 years of age. A prospective member must complete a 12-month probationary period before membership in the Department. The City Council may require that each candidate, before becoming a probationary member, must satisfy certain minimum requirements of height, weight, education, and any other qualifications, and that the member must pass a mental and physical examination.

(I) *Loss of membership.* Absence of any Department member from 3 consecutive training meetings or calls unless excused by the Chief is cause for removal from the Department. The City Council may, by policy, adopt additional disciplinary measures.

(J) *Compensation.* The Department members and officers will receive compensation fixed by the City Council.

(K) *Relief association.* The Department members and officers may organize a fire relief association in accordance with law.

(L) *Interference with Department.* It is unlawful for a person to give or make, or cause to be given or made, a fire or rescue call without probable cause, or neglect or refuse to obey any reasonable order of the Chief at a fire or rescue scene, or interfere with the Department in the discharge of its duties.

(M) *Emergency service charges.*

(1) Whenever the Department provides emergency services, including fire, rescue, medical, and related services, the Chief shall make a record of the total cost of the services provided, the name and address of the recipient of the services, and the parcel of property benefitted by the services. The Chief shall deliver this information to the City Administration office no later than 15 days after the date the emergency services are provided.

(2) The recipient of the emergency services and the owner of the property benefitted by the services shall be jointly and severally liable for the cost of the emergency services. Upon determination of the cost of the emergency services, the City Administration office shall prepare a bill and mail it to the recipient and to the owner of the property benefitted. The amount of the bill shall be immediately due and payable at the City Administration office.

(3) The City Council may from time to time establish by resolution a fee schedule setting the cost of emergency services provided by the Department.

(N) *Collection of unpaid emergency service charges.*

(1) The City Administrator shall annually identify all delinquent accounts for emergency services. On or before September 15 of each year, the City Administrator shall give written notice to the owner of any property benefitted by emergency services of the city's intention to certify delinquent service charges to the County Auditor for collection with the property taxes levied against the property.

(2) On or before October 15 of each year the City Council may certify to the County Auditor the amount of any delinquent emergency service charges for collection with the property taxes levied against the parcel benefitted by the services.

(Ord. 2004-A, passed 1-8-2004) Penalty, see § 10.99

## **§ 32.17 VOLUNTEER AMBULANCE DEPARTMENT.**

(A) *Ambulance Department established.* There is established a Volunteer Ambulance Department known as the Melrose Ambulance Department (Department). The Department consists of a Medical Director, Coordinator, and not more than 30 members.

(B) *Management.* The City Council may from time to time adopt policies relating to the management and regulation of the Department. The Department may make policy recommendations for consideration by the City Council.

(C) *Appointment.* The Medical Director, Coordinator, and Department members shall be appointed by the Council. Department members shall be emergency medical technicians (EMTs). The Department will make recommendations for consideration by the City Council.

(D) *Duties of Medical Director.* The Medical Director shall be responsible for establishment of pre-hospital protocols and quality assurance. The Medical Director shall approve standards for training and orientation of Department members and shall perform any other duties as required by state law.

(E) *Duties of Coordinator.* The Coordinator controls the Department equipment and is responsible for its care and condition. The City Council shall require reports on the maintenance and condition of the equipment as deemed necessary. The Coordinator is responsible for the proper training and discipline of the Department members.

(F) *Records.* The Coordinator must maintain adequate records of all emergency calls. The records must include details of emergencies, Department members responding to the calls, and other information as may be required by the city or state.

(G) *Training.* The City Council may determine the number of training meetings. The Coordinator must hold monthly training meetings for the Department and will give or arrange for instruction to the Department members in approved methods of emergency procedures.

(H) *Members.* The Coordinator and Department members must be able-bodied and not less than 18 years of age. A prospective member must complete a 12-month probationary period. The City Council may require that each candidate, before becoming a probationary member, must satisfy certain minimum requirements of height, weight, education, and any other qualifications, and that the member must pass a mental and physical examination. Members must be licensed EMTs.

(I) *Compensation.* The Department members and officers will receive compensation fixed by the City Council.

(J) *Fund.* A special fund shall be established and designated as the Ambulance Operating Account. All revenues and expenditures shall utilize this account.

(K) *Interference with service.* It is unlawful for a person to give or make or cause to be given or made a call for ambulance service without probable cause, or to neglect to obey any reasonable order of a Department member at an ambulance call, or interfere with the Department in the discharge of its duties.

(L) *Emergency service charges.*

(1) Whenever the Department provides emergency services, the Coordinator shall make a record of the total cost of the services provided, including the name and address of the recipient of the services. The Coordinator shall deliver this information to the City Administration office no later than 15 days after the date the emergency services are provided.

(2) The recipient of the emergency services shall be liable for the cost of the emergency services. Upon determination of the cost of the emergency services, the City shall prepare a bill and mail it to the recipient. The amount of the bill shall be immediately due and payable at the City Administration office.

(3) The City Council may from time to time establish by resolution a fee schedule setting the cost of emergency services provided by the Department.

(M) *Collection of unpaid emergency service charges.*

(1) The City Administrator shall annually identify all delinquent accounts for emergency services. On or before September 15 of each year, the City Administrator shall give written notice to the recipients of emergency services of the city's intention to certify delinquent service charges to the County Auditor for collection with the property taxes levied against the recipient's property.

(2) On or before October 15 of each year the City Council may certify to the County Auditor the amount of any delinquent emergency service charges for collection with the property taxes levied against the parcel owned by the recipient of the services.  
(Ord. 2004-D, passed 2-19-2004) Penalty, see § 10.99

***MELROSE AREA DEVELOPMENT AUTHORITY***

**§ 32.30 DEFINITIONS.**

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

**ACT.** M.S. §§ 469.090 through 469.1082, as they may be amended from time to time.

**AUTHORITY.** An economic development authority as defined by M.S. §§ 469.090 through 469.1082, as they may be amended from time to time.  
(Ord. 2003-F, passed 7-17-2003)

**§ 32.31 ESTABLISHMENT.**

An economic development authority is established which shall have all of the powers, duties and responsibilities of an economic development authority pursuant to M.S. §§ 469.090 through 469.1082, as they may be amended from time to time. It shall be the role and responsibility of the Authority to carry out economic and industrial development and redevelopment within the city area pursuant to bylaws as may be adopted by the Authority. It shall confer with other city departments, the city's Community Improvement Corporation, the City Chamber of Commerce, the City Parks and Recreation Board, and other public and private groups on matters relating to business and industrial development, and periodically survey the area's industrial and commercial climate, and report regularly to the City Council.

(Ord. 2003-F, passed 7-17-2003)

**§ 32.32 NAME.**

The economic development authority created by this subchapter shall be known as the city's Melrose Area Development Authority.

(Ord. 2003-F, passed 7-17-2003)

**§ 32.33 MEMBERS.**

The Authority shall consist of the Mayor and City Administrator, who shall serve as ex-officio members, and 5 other members, 1 of whom shall be a Member of the City Council. The 5 other members are appointed by the Mayor, upon approval of the City Council. Those initially appointed are appointed for terms of 2, 3, 4, 5, and 6 years respectively. Thereafter, members are appointed for 6-year terms. The members shall be paid compensation as established by the City Council. Members may be reimbursed for expenses pursuant to city reimbursement policies.

(Ord. 2003-F, passed 7-17-2003)

**§ 32.34 ADMINISTRATION.**

(A) *Bylaws.* The Authority shall adopt bylaws and rules of procedure for administration of its affairs.

(B) *Officers.* The Authority shall elect a president, a vice president, a secretary, and an assistant treasurer on an annual basis. The City Administrator shall serve as the treasurer. A member shall not serve as president and vice president at the same time. The other offices may be held by the same member. The secretary need not be a member.

(C) *Professional service contracts.* The Authority may employ technical experts and professionals as deemed necessary. Their salaries and duties shall conform to city policy.

(D) *Duties and powers.* The officers shall have the duties and powers of their offices and other powers and duties as may be delegated by the Authority, the bylaws, and the Act.

(E) *Meetings.* The Authority shall meet quarterly and at other times as necessary.  
(Ord. 2003-F, passed 7-17-2003)

### **§ 32.35 MODIFICATION.**

All modifications to this subchapter must be by ordinance and must be adopted after notice and public hearing conducted as required for the original adoption of this subchapter.  
(Ord. 2003-F, passed 7-17-2003)

### **§ 32.36 REPORT TO COUNCIL.**

The Authority shall submit a written report of its activities and recommendations for modification of this subchapter to the City Council at least annually.  
(Ord. 2003-F, passed 7-17-2003)

### **§ 32.37 DIRECTOR.**

The city's Community Development Director shall attend all meetings of the Authority, shall serve as a consultant and advisor to the Authority, and shall make quarterly reports to the City Council.  
(Ord. 2003-F, passed 7-17-2003)

### **§ 32.38 CONFLICTS OF INTEREST.**

Except as authorized by M.S. § 471.88, as it may be amended from time to time, a member, officer, or employee of the Authority may not have a substantial conflict of interest in projects undertaken by the Authority.  
(Ord. 2003-F, passed 7-17-2003) Penalty, see § 10.99

### **§ 32.39 BUDGET.**

(A) *Fiscal budget.* The Authority shall prepare and submit to the City Council a detailed budget. A special fund shall be established and designated as the Development Authority Fund. The City Council shall appropriate to the Fund money it deems necessary for Authority purposes. This shall constitute the budget of the Authority. All payments drawn on the account of the Authority shall be by written statement signed by 2 officers of the Authority, directing the City Administrator to prepare and deliver payment. All expenditures shall be consistent with the operation of the Authority pursuant to this subchapter and Minnesota Statutes.

(B) *Audit.* All financial records of the Authority shall be prepared, audited, and filed with the City Council.  
(Ord. 2003-F, passed 7-17-2003)

### **§ 32.40 SCHEDULE OF POWERS.**

(A) *Development districts.* The Authority may create and define the boundaries of economic development districts and use the powers granted to carry out economic development in these districts.

(B) *Acquire property.* The Authority may acquire, by lease, purchase, devise, or through condemnation proceedings, title in property to create economic development in these districts. Property acquired, leased, owned, controlled, used, or occupied by the Authority for any of the purposes of M.S. § 469.101, as it may be amended from time to time, is for public governmental and municipal purposes and is exempt from taxation by the state or its political subdivisions. The exemption from property taxes only applies while the Authority holds the property for its own purpose.

(C) *Options.* The Authority may negotiate and acquire options to purchase, sell, or lease property for the purpose of economic development.

(D) *Contracts.* The Authority may make contracts for the purpose of economic development.

(E) *Limited partnerships.* The Authority may become a limited partner in a partnership.

(F) *Rights and easements.* The Authority may acquire rights or easements for a term of years or perpetually.

(G) *Receive public property.* The Authority may accept land, money, or other assistance, whether by gift, grant, loan, or otherwise in any form from federal, state, local government, any agency of either, or a local division of state government.

(H) *Public facilities.* The Authority may operate, maintain a public parking facility, housing facility, or other public facilities to promote economic development in the area.

(I) *Other powers.* The Authority shall have other powers as authorized and described in the Act.  
(Ord. 2003-F, passed 7-17-2003)

**§ 32.41 GENERAL OBLIGATION AND REVENUE BONDS.**

The Authority may issue general obligation bonds or revenue bonds after receiving the approval and authorization by 4/5 vote of the City Council and in accordance with the provisions of the Act.  
(Ord. 2003-F, passed 7-17-2003)



Section

- 33.01 Policy and purpose
- 33.02 Definitions **CHAPTER 33: EMERGENCY MANAGEMENT**
- 33.03 Establishment of emergency management organization
- 33.04 Powers and duties of Director
- 33.05 Local emergencies
- 33.06 Emergency regulations
- 33.07 Emergency management a government function
- 33.08 Participation in labor disputes or politics
  
- 33.99 Penalty

**§ 33.01 POLICY AND PURPOSE.**

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds, or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to ensure that preparations of this city will be adequate to deal with those 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:

- (A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;
- (B) To provide for the exercise of necessary powers during emergencies and disasters;
- (C) 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 emergency preparedness functions; and
- (D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.





## § 33.02 DEFINITIONS.

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

***DISASTER.*** A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

***EMERGENCY.*** An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

***EMERGENCY MANAGEMENT.*** 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 fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, and temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. ***EMERGENCY MANAGEMENT*** includes those activities sometimes referred to as ***CIVIL DEFENSE*** functions.

***EMERGENCY MANAGEMENT FORCES.*** The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

***EMERGENCY MANAGEMENT ORGANIZATION.*** The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and ensures implementation of federal and state program requirements.

## § 33.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be the Chief of Police and shall be appointed by the City Council. The Director shall have direct responsibility for the organization, administration, and operation of the emergency preparedness organization, subject to the direction and control of the City Council.

### **§ 33.04 POWERS AND DUTIES OF DIRECTOR.**

(A) The Director shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the City Council for its action. These arrangements shall be consistent with the State Emergency Plan.

(B) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions, subject to the approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency operations plan for the emergency preparedness of the city and shall present the plan to the City Council for its approval. When the City Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness 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 emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Operations Plan, the Director shall institute training programs, public information programs, and conduct practice warning alerts and emergency exercises as may be necessary to ensure prompt and effective operation of the City Emergency Operations Plan when a disaster occurs.

(E) 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 city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to ensure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

### **§ 33.05 LOCAL EMERGENCIES.**

(A) A local emergency may be declared only by the Mayor or the Mayor's legal successor. It shall not be continued for a period in excess of 3 days except by or with the consent of the City Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional emergency operations plans, and may authorize aid and assistance thereunder.

(C) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 33.99

### **§ 33.06 EMERGENCY REGULATIONS.**

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the City Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulations; drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) Every resolution of emergency regulations shall be in writing, shall be dated, shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Administrator. A copy shall be kept posted and available for public inspection during business hours.

Notice of the existence of these regulations and their availability for inspection at the City Administrator's office shall be conspicuously posted at the City Center. By resolution, the City Council may modify or rescind a regulation.

(C) The City Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the City Council shall be suspended during the period of time and to the extent conflict exists.

(D) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its City Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 33.99

### **§ 33.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.**

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which they would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

### **§ 33.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.**

The emergency management organization 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 labor dispute.

**§ 33.99 PENALTY.**

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

Penalty, see § 10.99