

<b>CHAPTER 2</b>	<b>OPERATIONS AND ADMINISTRATION</b>	<b>2-1</b>
<b>SECTION 201.01</b>	<b>COUNCIL MEETINGS</b>	<b>2-2</b>
<b>SECTION 202.01</b>	<b>DUTIES AND SALARIES, OF MAYOR AND CITY COUNCILMEMBERS</b>	<b>2-5</b>
<b>SECTION 203.01</b>	<b>CODE OF ETHICS FOR ELECTED PUBLIC OFFICIALS</b>	<b>2-5</b>
<b>SECTION 204.01</b>	<b>BOARDS, COMMISSIONS AND TASK FORCES</b>	<b>2-7</b>
<b>SECTION 205.01</b>	<b>PLANNING COMMISSION</b>	<b>2-8</b>
<b>SECTION 206.01</b>	<b>WATER, LIGHT AND POWER COMMISSION</b>	<b>2-11</b>
<b>SECTION 207.01</b>	<b>VOLUNTEER FIRE DEPARTMENT</b>	<b>2-11</b>
<b>SECTION 208.01</b>	<b>DELANO ECONOMIC DEVELOPMENT AUTHORITY</b>	<b>2-11</b>
<b>SECTION 209.01</b>	<b>PARK AND RECREATION ADVISORY COMMISSION</b>	<b>2-12</b>
<b>SECTION 210.01</b>	<b>POLICE AND PUBLIC SAFETY COMMISSION</b>	<b>2-12</b>
<b>SECTION 211.01</b>	<b>HISTORIC PRESERVATION COMMISSION</b>	<b>2-12</b>
<b>SECTION 212.01</b>	<b>COMPENSATION FOR COMMISSIONS AND SUBCOMMITTEES</b>	<b>2-13</b>
<b>SECTION 213.01</b>	<b>IDEMNIFICATION</b>	<b>2-14</b>
<b>SECTION 214.01</b>	<b>PROHIBITIONS RELATING TO EMPLOYMENT APPLICATIONS</b>	<b>2-15</b>
<b>SECTION 215.01</b>	<b>ISSUANCE OF CITATIONS</b>	<b>2-15</b>
<b>SECTION 216.01</b>	<b>AUTHORITY TO OBTAIN CRIMINAL HISTORY</b>	<b>2-15</b>
<b>SECTION 217.01</b>	<b>DISPOSAL OF ABANDONED, UNCLAIMED AND EXCESS PROPERTY</b>	<b>2-16</b>
<b>SECTION 218.01</b>	<b>EMERGENCY MANAGEMENT</b>	<b>2-20</b>
<b>SECTION 219.01</b>	<b>REIMBURSEMENT OF CERTAIN EXPENSES</b>	<b>2-20</b>

**CHAPTER 2  
OPERATIONS AND ADMINISTRATION**

**SECTION 201.01. COUNCIL MEETINGS.**

**Subd. 1. Regular Meetings.** Regular meetings of the Council shall be held on the first Tuesday and third Tuesday of each calendar month at 7:00 p.m. If the date of regular meeting is changed, notice of the same shall be provided pursuant to Section 201.01, Subd. 3. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place unless otherwise specified in the manner for giving notice of special meetings. In addition to the notice requirements herein, the Council may announce a date of change regarding a regular meeting at the meeting preceding the one to be changed. All meetings, including special and adjourned meetings, shall be held in the City Hall unless the Council decides otherwise at a prior meeting, or meeting in the City Hall is impossible.

A. Regular Meeting Procedure.

The City Administrator or the City Administrator's designee shall prepare the following items for regular meetings:

1. An agenda for the forthcoming meeting;
2. A copy of all Council minutes to be considered, reviewed and approved;
3. Minutes and proposals from advisory boards and commissions
4. Applications for land use, license, permit or other applications that require Council action, but only if the applicant has submitted a complete application, and the City Administrator deems the application appropriate for consideration at the meeting, given the Council's workload for the meeting and other available meeting dates when the application might be considered consistent with legal requirements;
5. Copies of other proposals, communications or documents the City Administrator or a Council member deems necessary or proper for consideration by the Council;
6. Miscellaneous administrative activities which the City Administrator deems appropriate for Council Review; and
7. A compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered to the City.

The City Administrator shall forthwith cause to be mailed, delivered or electronically transmitted to each member of the Council copies of all of the above listed documents that are available in advance of the meeting.

B. Regular Meeting Order of Business.

The order of business at regular meetings shall be as follows:

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call and Approval of Agenda.
5. City Council Minutes.
6. Speakers, Presentations and Awards.
7. Consent Agenda.
8. City Strategies/Current Business.
9. Other Business.
10. Communications and Announcements.
11. Miscellaneous.
12. Claims, appropriations and contract payments; and
13. Executive Session.
14. Adjournment.

**Subd. 2. Special Meetings.** The mayor or any two members of the Council may call a special meeting of the Council. At the special meeting, the Council shall transact only that business for which notice has been provided. Notice of a special meeting shall be by writing filed with the Clerk who shall then mail, email or otherwise deliver a notice of the time and place of the meeting to all Council members at least 1 day before the meeting. Where all Council members are present at a special meeting and take part in the proceedings, failure to give notice in the manner provided shall not invalidate the proceedings nor any action taken at the special meeting.

**Subd. 3. Notice to Public.** For all special meetings, except emergency meetings or special meetings for which a notice requirement is otherwise expressly established by statute, the City Clerk shall post, at least **3 days** before the date of the meeting, a written notice of the date, time, place and purpose of the meeting in the City Hall where other notices are generally posted.

**Subd. 4. Notice Pursuant to Special Request.** Any person may file a written request for notice of special meetings with the City. A person filing a request for notice of special meetings may limit the request to notification of meetings concerning particular subjects, in which case the written notice provided below need be given to that person concerning special meetings involving those subjects only. Each written request shall expire December 31 of each year and must be refiled to remain effective. Prior to December 31 of each year, the City Clerk shall send out notices of the refiled requirement to each person who filed during the previous year. The City Clerk shall mail or otherwise deliver a written notice of special meetings, at least **3 days** before the date of the meeting, except an emergency meeting, to each person who has filed the request therefore. As an alternative to mailing notices to persons who have filed written requests, the City may publish the notice once, at least three days before the meeting in the official newspaper.

**Subd. 5. Calculation of Days for Providing Special Meeting Notice.** In calculating the number of days for providing notice for special meetings, the first day that the notice is given shall not be counted, but the last day shall be counted. If the last day is a Saturday, Sunday or a legal holiday, that day is omitted from the calculation and the following day is considered the last day.

**Subd. 6. Actual Notice.** If any person receives actual notice of a special meeting at least 24 hours prior to the meeting, all notice requirements of this Section are satisfied with respect to that person.

**Subd. 7. Emergency Meetings.** Notice of a special meeting may be dispensed within a situation which requires immediate emergency action. In determining what constitutes such an emergency, the Council shall consider whether the situation calls for immediate action involving the protection of the public peace, health or safety.

**Subd. 8. Notice.** Mailed notice to Council members is not required for any emergency meeting. Posted public notice is not required for an emergency meeting. After notice of an emergency meeting has been given to Council members by telephone or any other method, the City Clerk shall make good faith efforts to provide notice of an emergency meeting by telephone or by any other method used to notify the members of the Council to each news medium which has filed a written request for such notice pursuant to Section 201.01, Subd. 4., provided such request includes the news medium's telephone number.

**Subd. 9. Unrelated Matters.** If the Council discusses or acts upon matters not directly related to the emergency meeting, the minutes of the meeting shall include a specific description of such matters.

**Subd. 10. Recessed Meetings.** If a meeting is a recessed session of a previous meeting, and the date, time and place of the recessed meeting was established and announced during the previous meeting and recorded in the minutes of that meeting, then no additional public notice is necessary.

**Subd. 11. Open Meeting Law.** All Council meetings including special and adjourned meetings and meetings of Council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

**Subd. 12. Presiding Officer.** The mayor shall preside at all meetings of the Council. In the absence of the mayor, the mayor pro-tem shall preside. In the absence of both, the Clerk shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their members to act temporarily as presiding officer.

**Subd. 13. Procedure.** The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order. Except as otherwise provided by statute

or by these rules, the proceedings of the Council shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

**Subd. 14. Meetings Conducted By Interactive Television.** A City Council meeting may be conducted by interactive television if all of the following provisions are met:

- A. At least one member of the Council is physically present at the regular meeting location.
- B. All members must be able to hear and see each other and all discussion and testimony presented at any location at which at least one member of the Council is present.
- C. All members of the public at the regular meeting location must be able to hear and see all discussion and testimony and all votes of all members of the Council.
- D. Each location at which a member of the Council is present must be open and accessible to the public.

**SECTION 202.01. DUTIES AND SALARIES, OF MAYOR AND CITY COUNCIL MEMBERS.**

- A. The duties of the Delano Mayor and City Council Members shall be all duties prescribed by state statute and City Code.
- B. The salary of the Mayor and Council Members shall be as follows:
  - 1. The sum of \$550 per calendar month for the Mayor;
  - 2. The sum of \$375 per calendar month for each Council member;
  - 3. The additional sum of \$50 for each special or emergency Council meeting attended in a calendar month; and
  - 4. The additional sum of \$10 for each meeting attended which concerns City business, but excluding the following:
    - (a) All regular, special and emergency City Council meetings;
    - (b) Ceremonial and social functions;
    - (c) Such meeting compensation shall not exceed \$10.00 per day.

**SECTION 203.01. CODE OF ETHICS FOR ELECTED PUBLIC OFFICIALS.**

**Subd. 1. General Declaration of Policy.** The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental

structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. To further achieve these goals there is hereby established a code of ethics. This code of ethics is in addition to, and not in lieu of, other laws and regulations concerning ethics, conflicts of interest, and the integrity of public officials.

**Subd. 2. Scope of Persons Covered.** The provisions of this code of ethics shall be applicable to the Mayor and Council Members as well as candidates for the offices of Mayor and Council Member.

**Subd. 3. Standards of Conduct.**

- A. No Special Privileges. The Mayor and Council Members 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.
- B. Conflict of Interest. The Mayor and Council Members shall not participate in deliberations in any matter before the Council which affects that official's financial interests directly or indirectly or those of a business with which the official is associated. Whenever such conflict is recognized, the affected City official shall disclose such interest prior to any discussion or vote and shall be disqualified from any further official activity on the issue.
- C. Agent or Attorney. The Mayor and Council Members shall not act as agents or attorneys for another in any matter before the Council.
- D. Compensation or Gratuity. The Mayor and Council Members 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 proceeding connected with, or related to, the duties of the office.

**Subd. 4. Public Disclosure by Public Officials.**

- A. The Mayor and Council Members shall annually file with the Clerk, a signed disclosure statement identifying any interests or rights in real property (except the official's homestead) located within the City and disclosing any proprietary interest of 10% or more in any company, business enterprise, corporation, partnership, labor union or association doing business with the City, and any positions, including whether said positions are gratuitous or for compensation, held as officer, director, partner, agent, proprietor or employee with any such company, business enterprise, corporation, partnership, labor union or association.
- B. Each person who files as a candidate for election as Mayor or Council Member shall file, at the time of filing as a candidate for any such office, a disclosure statement as specified in Subd. 4, A..

- C. Within 30 days after a person has been elected such person shall file a disclosure statement, unless such person has done so pursuant to subparagraphs A or B hereof.
- D. In the event any person fails to file a complete disclosure statement within the times provided in subparagraphs A, B or C hereof, the Clerk or the Clerk's designee shall give written notice of the provisions of this Section to such person, who shall thereafter file a disclosure statement within 10 days of said notice.
- E. Any material change in property or business interests or rights shall be disclosed by filing an amended disclosure statement within 30 days after such change has occurred.
- F. This code of ethics shall not be construed to require the filing of any information relating to any person's affiliation with, or interest in, any professional society, charitable, religious, social, fraternal, educational, recreational, public service, civic, governmental, political, or similar organization.

**Subd. 5. Enforcement.** Upon the signed written complaint of any person questioning adherence to the requirements of this Section, 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 45 days thereafter. A copy of the City attorney's report shall be furnished to the person complained against, who may request a hearing on the matter before the Council. The request for hearing shall be filed with the Clerk not later than 10 days following receipt of the City attorney's report by the person complained against. 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 or may adopt a resolution of censure.

#### **SECTION 204.01. BOARDS, COMMISSIONS AND TASK FORCES.**

**Subd. 1. Generally.** Except as otherwise provided with respect to a specific board, commission or task force, the provisions of this Section shall apply to all boards, commissions and task forces referred to in this Chapter 2.

**Subd. 2. Open Meeting Law and Data Practices Act.** All meetings and matters of any City board, commission, or task force shall be subject to the Minnesota Open Meeting Law and the Minnesota Government Data Practices Act.

**Subd. 3. Conflict of Interest.** No member of any City board, commission or task force may vote on a matter in which the member has a direct or indirect financial interest or other substantial interest.

**Subd. 4. Vacancies and Removal of Members.**

- A. Vacancies: Except as otherwise specified in this Chapter, a member's position shall become vacant upon the occurrence of any of the following:

1. The death of a member.
2. A determination by the Council that the member's physical or mental disability renders the member incapable of service.
3. The member's resignation in writing.
4. A member's absence from 3 consecutive meetings, unless excused by action of the Council.
5. Termination of a member's residence in the City.

B. Removal from Office. Except as otherwise specified in this Chapter, a member may be removed:

1. Upon petition of a board, commission or task force. The board, commission or task force by a three-fifths vote of its members, may petition to the Council to remove any member when it believes the best interests of the City would be served thereby. The removal of the member is not accomplished unless and until the Council passes a motion removing the member.
2. By the Council. The Council shall have the authority, in its discretion, to remove any member without a petition from the board, commission or task force.

C. Delano Water, Light and Power Commission. The provisions of this Subdivision 4 shall not apply to the Delano Water, Light and Power Commission.

**Subd. 5. Term Limit.** The term of a member's appointment to any City board commission, or task force shall be 3 years. A member's appointment to any City Board commission or task force shall be limited to 2 full consecutive terms. An existing member of a City board, commission or task force whose term is set to expire must apply for re-appointment to their position and be considered with any applicants for the position. The term limit imposed by this Subdivision shall not apply if there are no eligible applicants to fill a member's position that is set to expire or if the Council, upon a majority vote, re-appoints the member whose position is set to expire for 1 additional term.

## **SECTION 205.01. PLANNING COMMISSION.**

**Subd. 1. Establishment.** The City Planning Commission is established pursuant to the provisions of Minn. Stat. §462.354, Subd. 1.

**Subd. 2. Composition.** The Planning Commission shall consist of 7 members. Members are appointed by the Council and may be removed by four-fifths vote of the Council. A member of the Council, the Building Inspector, Planning Consultant, and Engineer, shall be considered ex-officio liaisons to the Planning Commission.

**Subd. 3. Terms and Compensation.** Members of the Planning Commission are appointed for terms of 3 years in such a manner that the terms of no more than 3 of the members shall

expire on December 31<sup>st</sup> of each year. Members hold office until their successors are appointed and qualified. The terms of ex-officio liaisons shall correspond to their respective official terms. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Members shall receive financial compensation for services and meeting attendance per Section 212.02 of this Code.

**Subd. 4. Powers and Duties.** The Planning Commission shall have the powers and duties given to such agencies by the laws of Minnesota. The powers shall include, but are not necessarily limited to the following:

- A. To prepare and maintain, subject to Council approval, a comprehensive plan for the development of the City.
- B. To make recommendations to the Council, hold public hearings, perform other duties pursuant to the City of Delano Land Use Code, and perform such other tasks as are assigned to it by the Council.

**Subd. 5. Organization and Meetings.**

- A. Election of Officers. At the January meeting, the Planning Commission shall elect a chairperson, vice chairperson and a secretary from its membership for an annual term to end on December 31<sup>st</sup>.
- B. Chairperson. The chairperson shall preside at all meetings, appoint committees and perform other such duties as may be ordered by the Planning Commission.
- C. Vice Chairperson. The vice chairperson shall act in the capacity of the chairperson in the absence of the chairperson. In the event the office of the chairperson becomes vacant, the vice chairperson shall succeed to the office of the chairperson for the unexpired term and the Planning Commission shall elect a successor to the officer of vice chairperson for the unexpired term.
- D. Meetings. The Planning Commission shall hold at least one regular meeting each month.
- E. Special Meetings. The Chairperson or any two members of the Planning Commission may call a special meeting of the Planning Commission. Notice of a special meeting shall be by writing filed with the Clerk who shall then mail a notice of the time and place of the meeting to all Planning Commission members at least 1 day before the meeting. Where all Planning Commission members are present at a special meeting and take part in the proceedings, failure to give notice in the manner provided shall not invalidate the proceedings nor any action taken at the special meeting.
- F. Record/Reporting. The Planning Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions and findings, which

record shall be public record. Planning Commission minutes shall be submitted to the City Council monthly as a report of its work.

G. Work Rules.

1. The Planning Commission will meet on the second Monday of each month. All Meetings shall be public.
2. A majority of the 7 members shall constitute a quorum. In the absence of a quorum, the minority shall adjourn any Planning Commission meeting to a specified time.
3. Meetings shall run from 7:00 PM to 11:00 PM. In the event that there are more Planning Commission cases than can reasonably be concluded by 11:00 PM, the Chair and the Planning Commission shall be empowered to extend the meeting time or schedule another meeting during the same month to take care of the overload.
4. In the absence of pending development applications, the Chair and/or planning staff shall have the prerogative to cancel or postpone any regularly scheduled meetings.
5. All public hearings shall be held at the City Hall or officially noticed location.
6. All meetings shall be conducted pursuant to the most recent edition of Robert's Rules of Order.
7. All recommendations shall be sent to the Council by means of written minutes, and shall include the record of the division of votes on each recommendation.
8. Minutes of the meetings shall be recorded and kept by the planning staff.

H. Meeting Attendance.

1. A Commission member may be excused from an individual meeting for reasons of illness, work, out of town trip, or other justifiable reason. Commission members shall notify the Clerk of expected absences from the meeting.
2. Any member who shall be absent for any reason for 2 consecutive meetings shall receive a reminder from the clerical secretary assigned by the City. Upon 3 consecutive absences, or absences of more than 50% of the regular Planning Commission meetings in a given year, he/she may be recommended by Planning Commission to the Council for replacement.

**SECTION 206.01. WATER, LIGHT AND POWER COMMISSION.**

**Subd. 1. Establishment.** The City Water, Light and Power Commission is established pursuant to the provisions of Minnesota Statutes Sections 412.331 through 412.391.

**Subd. 2. Jurisdiction.** The Water, Light and Power Commission shall have full jurisdiction and control over the City-owned water, light, power and gas system, including the water, light, power, and gas plant, and all apparatus and materials used in operating said plant. The Water, Light and Power Commission shall further have the authority to maintain the water, light, power and gas plant and system, and to set rates for usage of water, light, power, and gas.

**Subd. 3. Membership.** The Water, Light and Power Commission shall consist of 5 members, each of whom is appointed by the Council to a 3-year term. Each member shall hold office until a successor has been appointed and qualified.

**SECTION 207.01. VOLUNTEER FIRE DEPARTMENT.**

There is created and continued the City Volunteer Fire Department in accordance with and subject to applicable Minnesota Statutes, as amended from time to time.

**Subd. 1. Appointment of Members.** The Council shall have the power to appoint and remove a fire chief, subordinate officers and all members of the Volunteer Fire Department.

**Subd. 2. Duties.** The duties of the Volunteer Fire Department shall include fire and rescue operations within geographic areas designated by the Council and within the technical and personnel limitations of the Volunteer Fire Department. The Council shall approve by-laws for the Volunteer Fire Department and may enter into joint powers or mutual aid agreements for the purpose of fire and emergency response and may authorize the expenditure of City funds for fire and emergency response purposes.

**SECTION 208.01. DELANO ECONOMIC DEVELOPMENT AUTHORITY.**

**Subd. 1. Establishment.** The Delano Economic Development Authority is established pursuant to the provisions of Minnesota Statutes Sections 469.090 through 469.108.

**Subd. 2. Governance.** The Delano Economic Development Authority shall be governed by the Board of Commissioners, which shall consist of 5 commissioners, each of whom shall be a member of the Council.

**Subd. 3. Officers.** The officers of the Delano Economic Development Authority shall be a President, a Vice-President, a Treasurer, an Assistant Treasurer, and a Secretary. The President, the Vice-President, and the Treasurer shall be members of the Board of Commissioners and shall be elected annually by the commissioners, and no commissioner may be both President and Vice-President simultaneously.

**Subd. 3. Powers and Authority.** The Delano Economic Development Authority shall have all powers and authority contained in Minn. Stat. §§469.090 to 469.108 and the powers of a Housing and Redevelopment Authority contained in Minn. Stat. §§469.001 to 469.047.

**SECTION 209.01. PARK AND RECREATION ADVISORY COMMISSION.**

The Park and Recreation Advisory Commission shall study, investigate and make recommendations regarding short and long-term park planning and systems management, including but not limited to the acquisition, development, construction, maintenance and operation of City parks and playgrounds; coordination of recreational programming; preservation of natural resources; promotion of environmental awareness; and such other matters as may be referred to it by the Council which may include the following:

1. Recommendations regarding the acquisition and development of a complete system of parks and recreation facilities in the City.
2. Planning and implementing a program of recreation opportunities within the City.
3. Review of proposed and existing recreation programs and advice to the recreation staff on programming and operation.
4. Recommendation of policies to the Council on matters pertaining the operation of recreation facilities and programs.
5. Recommendation of an annual budget for the operation of said programs and facilities to the Council in time for inclusion in the budget proposal.
6. Cooperation and coordination of recreation and other leisure opportunities and proposals with other City groups, school groups, community groups, and county, state and federal agencies.
7. Review of development proposals for consistency with the City park and recreation objectives and requirements.

**SECTION 210.01. PUBLIC SAFETY COMMISSION.** The Public Safety Commission will study, investigate and make recommendations regarding crime, public safety, and law enforcement activities within the City. The Police and Public Safety Commission shall consider and make recommendations concerning such other matters as may be referred to it from time to time by the Council.

**SECTION 211.01. HISTORIC PRESERVATION COMMISSION.** In addition to such other duties as are assigned by the Council from time to time, the Historic Preservation Commission shall have the following duties and responsibilities:

1. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the City which the Commission, on the basis of information available or presented to it has reason to believe are significant to the cultural, social, economic, political or architectural history of the City.
2. The Commission shall continually survey all areas to determine needed and desirable improvements of older buildings throughout the City, acting in a resource and advisory capacity to owners of historically significant sites regarding their preservation, restoration and rehabilitation.
3. The Commission shall work for the continuing education of the citizens of the City with respect to the civil and architectural heritage of the City. It shall keep current a public register of designated and proposed historic preservation sites and areas along with the plans and programs that pertain to them.
4. The Commission may recommend to the Council the acceptance of contributions offered to the City, and to assist the City staff in preparation of applications for grant funds to be made through the City for the purposes of the historic preservation.
5. The Commission will, on a continuing basis, collect and review City planning and development records, documents, studies, models, maps, plans and drawings to be passed onto the State Historical Society as a permanent record of City history and development.
6. The Commission shall make no application to the National Registrar of Historic Places or to the State of Minnesota for the designation of a historic site or district without the consent of the Council.

**SECTION 212.02. COMPENSATION FOR COMMISSIONS AND SUBCOMMITTEES.**

**Subd. 1. Official Commission Member Status.**

- A For those commissions which meet less frequently than once per month, only those members of a commission who attend at least 75% of all general and special meetings held by a commission or subcommittee within a consecutive 12 month period shall be classified as official members.
- B. For those commissions which meet once per month or more frequently, and for the City Planning Commission, only those members who attend at least 75% of all general and special meetings held by the commission within a consecutive 6 month period of time shall be classified as official commission members.

- C. Any commission member removed from such body by the Council shall not hold official member status for the year in which the member is removed.
- D. Council Members serving on the Delano Water, Light and Power Commission shall be deemed official members of the Delano Water, Light and Power Commission regardless of the attendance requirements in this Section.

**Subd. 2. Other Commissions.** Unless otherwise provided by statute or this Code, the salary of each official commission member appointed under Chapter 2 of the City Code shall be as follows:

- 1. Each official commission member on a commission which meets once per month or more frequently shall receive a salary of \$150.00 per year.
- 2. Each official commission member on a commission which meets less frequently than once per month shall receive a salary of \$50.00 per year.

**Subd. 3. Water, Light and Power Commission.** Notwithstanding the provisions of Subd 2, the salary of each Water, Light and Power Commission member appointed pursuant to Minn. Stat. §412.341 and to Delano City Code Section 205.01 shall be as follows:

- 1. \$100 per month plus \$50 for every general, special and emergency commission meeting attended during the calendar year.
- 2. \$200 per day of attendance at the following meetings upon Commission approval (but only in the event that the meeting day occurs on a day which the Commission member was regularly scheduled to work in his or her employment):
  - a. Meetings of the Minnesota Municipal Utilities Association;
  - b. Meetings of the Central Minnesota Municipal Power Agency;
  - c. Such other Commission-related meetings for which the Council authorizes attendance prior to the meeting.

**SECTION 213.01. INDEMNIFICATION.**

To the extent required by state law, the City will defend and indemnify its officers and/or employees against a claim resulting from the performance of their official duties. Any judgment or settlement for a cost, disbursement, or award of attorneys' fees in favor of the officer or employee, to which this defense or indemnification obligation applies, will be assigned to the City. This indemnification does not apply in cases of intentional torts, malfeasance in office, or willful or wanton conduct. In those cases, the Council may indemnify the officer and/or employee if it finds this to be in the public interest. Indemnification under this paragraph is subject to the liability limits proposed by Minn. Stat. § 466.04 and any other relevant laws.

**SECTION 214.01. PROHIBITIONS RELATING TO EMPLOYMENT APPLICATIONS.**

A person shall not make a false statement or offer false information relating to that person's application for employment, or current employment, with the City. A person seeking employment or promotion in the municipal service must not directly or indirectly give any money, service or other valuable consideration to a person who has the ability to influence or make the employment or promotion decisions.

**SECTION 215.01. ISSUANCE OF CITATIONS.**

The following employees of the City, while in the course and scope of the performance of their duties as an employee, may issue citations in lieu of arrest or continued detention:

1. Animal Control Officers;
2. Building Official;
3. Inspectors;
4. Public Works Director;
5. General Manager of Water, Light and Power Commission;
6. Fire Chief;
7. Tree Inspector;
8. Weed Inspector;
9. Clerk;
10. City Administrator.

**SECTION 216.01. AUTHORITY TO OBTAIN CRIMINAL HISTORY.**

**Subd. 1. Authority to Obtain Criminal History Information.**

Mandatory Reviews. The City Administrator or the City Administrator's designee is authorized and shall obtain Criminal History Information with respect to finalists for regular, full-time or part-time employment and paid firefighter positions with the City.

**Subd. 2. Consent of Subject Required.**

Criminal History Information may be obtained only with a written consent of the person whose Criminal History Information is sought to be obtained. If the individual refuses to consent, such individual will be disqualified from work or service with the City.

**Subd. 3. Compliance with the Minnesota Criminal Rehabilitation Act, Minn. Stat. § 364.01 through 364.10.**

The use of Criminal History Information shall be subject to the provisions of Minnesota Statutes § 364.01 through 364.10.

**SECTION 217.01. DISPOSAL OF ABANDONED, UNCLAIMED AND EXCESS PROPERTY.**

**Subd. 1. Disposal of Abandoned Motor Vehicles.**

A. Definitions.

1. “Abandoned motor vehicle” means a motor vehicle as defined in Minnesota Statute § 169.01, Subd. 3, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota Statute § 168.10, shall not be considered an abandoned motor vehicle within the meaning of this Section if maintained on private property. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.
2. “Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned motor vehicle.

C. Immediate Sale. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification, reclamation, or title provisions of this Section.

D. Notice.

1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice within 10 days of the taking. The notice shall set forth the date and place of the taking; the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained; and the place where the vehicle is being held; shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph F of this Subdivision; and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents will be deemed a waiver by them of all rights, title and interest in the vehicle and

a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Section.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by this Section.
2. Nothing in this Subdivision shall be construed to impair any lien of a garagekeeper under the laws of this State or the right of the lien holder to foreclose. For the purposes of this subparagraph E “garagekeeper” means an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following 1 published notice published at least 7 days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles, which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certification of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.
2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, maintaining and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Section.

H. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.
2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.
3. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

**Subd. 2. Disposal of Unclaimed Property.**

- A. Definition. "Abandoned property" means tangible or intangible property, including cash and negotiable instruments, but not including motor vehicle subject to Subd. 1 herein, that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least 90 days and has been declared such by a resolution of the Council.
- B. Preliminary Notice. If the City Administrator knows the identity and location of the owner, the City Administrator shall service written notice upon the owner at least 30 days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator, notice shall also be served upon the prior holder. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of such notice.
- C. Retention of Property for City Use or Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state (1) that the property will be retained by the City for City use; or (2) that a sale of the property will take place and the time, place and manner of the sale of all such property is designated in the notice; or (3) in the case of cash or negotiable instruments, that the cash will be paid into the General Fund of the

City and negotiable instruments will be negotiated and the cash received therefore will be paid into the General Fund of the City. In the case of a sale of the property, such notice shall be published once at least 3 weeks prior to sale. In all other cases, the notice shall be published once within 3 weeks after the Council resolution declaring the property to be abandoned property. In the event of a sale of the property, sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned.

- D. In lieu of the procedures set forth in paragraph C of this Subdivision, abandoned property may be disposed of by a private sale through a nonprofit organization that has a significant mission of community service.
- E. Funds and Claims Thereon. All such cash and cash from the negotiation of such negotiable instruments and all proceeds from such sale by the City shall be paid into the General Fund of the City and expenses thereof paid therefrom. In the event the property is retained by the City for City use, the property shall be used by the City only for public purposes of the City and not for any private use. The former owner, if he makes claim within 8 months from the date of publication of the notice herein provided and upon application and satisfactory proof of ownership, may, in the case of property retained by the City, have the property returned to him or her; or may be paid the amount of cash or negotiables; or, in the case of property sold, may be paid the amount received therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund. In the case of property retained by the City for City use or in the case of property held for sale by the City, the City will not be responsible for any diminution in value of or damage to the property during the period of time in which the property is in the City's custody or control.

**Subd. 3. Disposal of Excess Property.**

- A. Declaration of Surplus and Authorizing Sale of Property. The City Administrator may, from time to time, recommend to the Council that certain personal property owned by the City is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated, and the City Administrator authorized to dispose said property in accordance with law, including compliance with any competitive bidding requirements imposed by the Municipal Contracting Law, Minn. Stat. §471.345.
- B. Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

**Subd. 4. Persons Who May Not Purchase - Exception.**

- A. Except as permitted by Minn. Stat. § 15.054, no employee of the City or a member of the Council, or an advisor serving the City in a professional capacity may be a purchaser of property under this Section.
- B. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the terms of this Section.

**Subd. 5. Electronic Sale of Surplus Supplies.**

Notwithstanding any other procedural requirements of this Section, the City Council may authorize the City Administrator to contract to sell supplies, materials, and equipment which is surplus, obsolete or unused using an electronic selling process in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

**SECTION 218.01. EMERGENCY MANAGEMENT.**

**Subd. 1. Emergency Management Act Adopted.** The “Minnesota Emergency Management Act of 1996,” Minnesota Statutes, 2008, Chapter 12, as amended herein from time to time insofar as it relates to cities, is hereby adopted by reference as part of this Section, as fully as if set forth explicitly herein.

**Subd. 2. Establishment of an Emergency Management Agency.** There is hereby created within the City government an emergency management agency, which shall be under the supervision of a Director to be appointed forthwith by the Council. The Director shall have direct responsibility for the organization, administration and operation of said emergency management agency, subject to the overall direction and control of the Council.

**SECTION 219.01. REIMBURSEMENT OF CERTAIN EXPENSES.**

**Subd. 1. Applicable Reviews.** This Section applies to the following:

- A. requests for rezoning review and approval;
- B. requests for planned unit development concept review and approval;
- C. requests for planned unit development district review and approval;
- D. requests for conditional use permit review and approval;
- E. requests for Subdivision review and approval.
- F. requests for site plan review and approval.
- G. requests for flood plain permit;
- H. requests for shore land permit;
- I. requests for mining or land alterations permit;
- J. requests for variances from any of the City’s land use regulations and Subdivision regulations;

- K. requests for tax increment financing or other forms of public assistance;
- L. requests for annexations;
- M. requests for concept site plan review and approval, and
- N. requests for wetland related reviews and reports.

(Any requests in A through N are hereinafter referred to as “Application”).

Requests for building permits are covered by City Code Section 416.01 and its applicable fee provisions.

**Subd. 2. City Findings.** The City finds that a significant amount of City personnel time and expenses are used in reviewing Applications. The City has determined that the City’s taxpayers have been sharing a disproportionate burden of these expenses, and that a more equitable arrangement is for the applicant to incur those expenses.

**Subd. 3. Applicant’s Reimbursement of City Expenses and Applicant Deposit Agreements.** All persons requesting an Application shall reimburse the City for all costs, including administrative, legal, planning, engineering and consulting costs, incurred in reviewing, investigating, administering and drafting legal documents related to the Applications and all documents and issues related to the Applications. With respect to City staff time and expenses, reimbursement shall be at such rates and amounts as the City, from time-to-time, shall determine by ordinance. With respect to legal and consultant costs, Applicant shall reimburse the City for all costs billed City. Reimbursements for all such costs are due within 30 days of billing by City. Applicant shall, concurrent with submission of Applicant’s request for approval, execute a deposit agreement in such form and on such terms as are approved by the Council. This deposit agreement may require Applicant to make a deposit with the City sufficient to cover City’s anticipated Application review costs.

**Subd. 4. Failure to Comply with the Section.** In addition to other remedies and penalties, the City may discontinue the review process and deny a requested approval for an Application if such person violates any requirement of this Section.