

TITLE III: ADMINISTRATION

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City Council

CHAPTER 30: CITY COUNCIL AND CITY OFFICIALS

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CITY COUNCIL

§ 30.01 MEETINGS.

The regular meetings of the City Council shall be held on the first and third Monday of each month at 7 p.m. in the City Hall. If a regular meeting falls on a day considered as a legal holiday, the meeting shall be held on the next regular business day.

(^75 Code, Chapter 2.01, § 1) (Am. Ord. 2.01, passed 5-20-75)

§ 30.02 ORDER OF BUSINESS.

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

- (A) Roll call;
- (B) Reading minutes from last meeting;
- (C) Citizens to be heard;
- (D) Auditing claims;
- (E) Consent agenda;
- (F) Old business; and

(G) New business.

(^74 Code, Chapter 2.01, § 2) (Am. Ord. 01-2004, passed 2-2-04)

§ 30.03 SPECIAL MEETINGS.

Special meetings may be held at any time upon the call of the Mayor or two of the Council members, but notice of the meetings shall be given to all members of the Council, and no other business than specified in the notice shall be transacted at such special meeting. The notice calling a special meeting of the Council shall be read at such meeting and entered in full upon the minutes by the Administrator-Clerk-Treasurer. Written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting to all of the members of the Council and to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(^74 Code, Chapter 2.01, § 3)

§ 30.04 COMMITTEE APPOINTMENTS.

The Mayor shall, at the first regular meeting of the Council in each year, appoint the committees necessary to carry out the business of the coming year.

(^74 Code, Chapter 2.01, § 4)

§ 30.05 COMMITTEE DUTIES.

It shall be the duty of the various committees to exercise a general supervision over the affairs pertaining to their department, to investigate the condition of the same and to report from time to time to the Council.

(^74 Code, Chapter 2.01, § 5)

§ 30.06 CLAIMS.

All claims against the city shall be in writing and every claim shall be filed with the Administrator-Clerk-Treasurer at least two days before the regular meeting at which such claim is to be acted upon by the Council.

(^74 Code, Chapter 2.01, § 6)

CITY OFFICERS

§ 30.20 COMBINATION OF THE OFFICES OF CITY ADMINISTRATOR, CITY CLERK, AND CITY TREASURER.

(A) Pursuant to the authority granted by M.S. § 412.591, subd. 2, as it may be amended from time to time, the offices of Administrator, Clerk, and Treasurer, in the City of Dassel, Meeker County, Minnesota are combined in the office of Administrator-Clerk-Treasurer.

(B) Beginning with the year in which this section becomes effective and each year thereafter, there shall be an audit of the city's financial affairs by the State Auditor or a public accountant in accordance with minimum auditing procedures prescribed by the State Auditor.

(^74 Code, Chapter 2.021) (Am. Ord. 2.021, passed 7-21-75)

§ 30.21 MAYOR.

The Mayor of the City Council shall by virtue of his or her office preside over the meetings of the Council, but in his or her absence any Council member whom the Council may elect shall preside and he or she shall have and exercise all the powers of a presiding officer. He or she shall be the general custodian of all public property of the city; he or she shall see to it that all officers perform their duties and that the ordinances of the city are enforced.

(^74 Code, Chapter 2.02, § 1)

§ 30.22 ADMINISTRATOR-CLERK-TREASURER.

(A) *Bond.* The City Administrator-Clerk-Treasurer shall, before entering upon the duties of the his or her office, give a bond required by statute to be approved by the City Council, in the amount the Council may determine, for the faithful performance of his or her duties as prescribed by the laws of this state and the ordinances of this city.

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(B) *Responsibilities.* The Administrator-Clerk-Treasurer's responsibilities are limited to those of ministerial operation and function of the city and all policy-making decisions are to be made and entrusted with the City Council.

(C) *Duties.* The Administrator-Clerk-Treasurer's duties shall consist of but are not limited to the following:

- (1) Keep the minute book noting thereon all proceedings of the Council;
- (2) Record in full all ordinances passed by the City Council in the ordinance book. Be responsible for the enforcement and administration of the city ordinances. Prepare and keep the city ordinances codified;
- (3) Assume all duties provided for by him or her by state laws, city ordinances, and city resolutions;
- (4) Enter in an account book all money transactions of the city, including the date and reasons for receipt or payment of all funds. Make reports on the financial condition and the needs of the city. Prepare estimates for the annual budget and to submit them to Council;
- (5) Exercise supervisory and ministerial control over all city departments and divisions created by law or by the Council;
- (6) Attend all meetings of the Council and participate in the discussion but not voting;
- (7) Recommend to the Council such measures as he or she may deem necessary for the welfare of the people and the sufficient administration of the affairs of the city;
- (8) If so directed, he or she shall prepare an administrative code for adoption by the City Council;
- (9) Act as chief purchasing agent for the city, but before ratifying any purchase confirm such purchase with the City Council;
- (10) Be charged with the ministerial operation of the city business in accordance with the decisions of the Council;
- (11) Act as Zoning Administrator and attend all Planning and Zoning Commission meetings, keep records of the minutes, and keep and maintain zoning ordinances and zoning maps;
- (12) Keep and maintain accurate and true copies of the city map;

(13) If so directed, seek, apply, and obtain all federal and state appropriations and funds necessary for carrying out the City Council's policies;
(^74 Code, Chapter 2.02, § 2)

(14) He or she shall exhibit from time to time as the Council may demand an accurate statement of all funds in his or her hands as such Treasurer;
(^74 Code, Chapter 2.02, § 4)

(15) Collect, receipt for and safely keep all moneys belonging to the city; he or she shall promptly enter in a book provided for that purpose an account of all moneys received and disbursed by him or her in his or her official capacity, showing sources and objects thereof, with the date of each transaction; he or she shall retain in his or her office all cancelled orders paid by him or her, but the orders drawn upon each fund shall be kept separate. Prior to January 15 of each year, the Administrator-Clerk-Treasurer shall make out and file for public inspection an itemized account of his or her receipts and disbursements with the sources and objects of each;
(^74 Code, Chapter 2.02, § 5)

(16) Perform other duties that may be assigned from time to time by the City Council.

(D) *Financial report.* Immediately after completing the report of the Administrator-Clerk-Treasurer's annual account of all receipts and disbursements of his or her office during the year, the Administrator-Clerk-Treasurer shall prepare a detailed statement of the financial affairs of the city showing all moneys received, the sources from which received, dates and amounts thereof; all moneys paid, to whom issued and for what purpose; all moneys remaining in the treasury; and all other items necessary to accurately show the financial condition of the city. He or she shall file such statements in his or her office for public inspection and he or she shall publish the same before February 28 in each year in a newspaper published in the city, provided that such paper shall be designated by the Council.
(^74 Code, Chapter 2.02, § 3)

§ 30.23 OTHER OFFICERS.

At the first regular meeting in the month of January, the Council shall appoint a Health Officer, a City Attorney, a City Engineer and a City Assessor. The officers shall hold their offices at the will of the Council and until their successors have been appointed and shall have been qualified. The Council shall fix the salary or compensation of the officers and may change the same at any time during the year. The officers shall report to and be supervised by the Administrator-Clerk-Treasurer. Additional language will be proposed to the Council for the Public Works Director and Nursing Home Administrator at a later date.
(Am. Ord. - -, passed 1-21-03)

§ 30.24 DUTIES OF OTHER OFFICERS.

The Health Officer, Fire Marshal, Public Works Director and Nursing Home Administrator shall perform the duties required of him or her by the Administrator-Clerk-Treasurer pursuant to a job description approved by and amended from time to time by the City Council.
(^74 Code, Chapter 2.02, § 8)

§ 30.25 CITY OFFICER SALARIES.

The salaries of all city employees shall be determined from time to time by the City Council.

§ 30.26 CITY COUNCIL SALARIES.

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. No change in salary shall take effect until after the next succeeding city election.

Section

CHAPTER 31: POLICE DEPARTMENT AND FIRE DEPARTMENT

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POLICE DEPARTMENT

§ 31.01 DEPARTMENT CREATED.

(A) The City Council establishes a City of Dassel Police Department, which shall have a Police Chief and as many officers as are determined necessary by the Council.

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(B) The Council shall appoint a Police Chief. The Police Chief shall be appointed for an indefinite term and shall hold his or her office at the will of the City Council or until his or her successor has been appointed and has been qualified. The Council shall appoint a Police Chief at the effective date of this section.

(C) The Police Chief's duties are as follows:

- (1) To be the head of the City of Dassel Police Department;
- (2) To be POST Board approved or professionally trained as may be required by the laws of the State of Minnesota;
- (3) To report monthly to the City Council as to operation of the City of Dassel Police Department;
- (4) To be responsible for and supervise all of the officers in the Department. The officers shall report to the Police Chief as required by the Chief;
- (5) To develop and recommend to the Council a Police Department Procedural Code to ensure that the policies of the City Council, city ordinances and laws of the state are complied with and enforced;
- (6) To recommend to the Administrator whether to hire or fire an officer;
- (7) To prepare and recommend to the Council for their approval city enforcement policies. (Am. Ord. 3.02, passed 5-3-82; Am. Ord. - -, passed 1-21-03)

§ 31.02 INTERFERENCE WITH ARREST.

It shall be unlawful for any person in the city by threats, force or fraud to rescue or attempt to rescue any person from lawful custody or from an officer or other person having such person under lawful arrest.

(Am. Ord. 3.02, passed 5-3-82) Penalty, see § 10.99

§ 31.03 POWER OF ARREST.

The city police shall have power and are authorized to arrest any person or persons engaged in violating any ordinance of the city or any of the laws of the state, also any person or persons for whom they hold a warrant charging a violation of any of the ordinances of the city or the laws of the state.

(Am. Ord. 3.02, passed 5-3-82)

§ 31.04 HEARING.

After making any arrests the city police are authorized to take the person or persons so arrested, without unreasonable delay, before a Judge of the County Court of Meeker County, Minnesota, to be dealt with according to law. Provided, that if any arrests be made on Sunday, legal holidays or after sunset of any day, the person or persons so arrested shall be confined until such time as the Judge of the County Court before whom complaint is made shall direct, in pursuance to law and ordinance of the city, for the hearing of the charge in the complaint against the person so arrested. Provided no police officer shall be required to bring any person before the Judge of Meeker County Court while such person is in a state of intoxication, unless the County Court Judge shall directly order that such person be brought before him or her.

(Am. Ord. 3.02, passed 5-3-82)

§ 31.05 COMPLAINT.

In case of arrest of any person by the city police without warrant or process, the officer making the arrest is authorized to make complaint as soon as possible before a County Judge of Meeker County specifying with certainty the offense for which such person was arrested and also to appear and give evidence upon the examination or trial of the charge before the County Court Judge before whom the complaint was made.

(Am. Ord. 3.02, passed 5-3-82)

§ 31.06 DISORDERLY HOUSES.

The Chief of Police is authorized to suppress and restrain all disorderly houses or houses of ill-fame and to seize and take into custody all gambling devices, illicit drugs, and all spiritous, vinous, malt or fermented liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.

(Am. Ord. 3.02, 5-3-82)

VOLUNTEER FIRE DEPARTMENT

§ 31.20 ESTABLISHED.

There is established in the city a Volunteer Fire Department consisting of a Chief, an Assistant Chief and not less than 25 nor more than 30 firefighters. The Chief may appoint up to two reserve firefighters. The reserve officers, for the purpose of this subchapter, shall not be considered members. The Volunteer Fire Department shall be under complete control of the City Council at all times and shall be required to obey any and all laws and resolutions passed by the Council pertaining to the Fire Department.

(^74 Code, Chapter 3.03, § 1) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.21 CHIEF OF FIRE DEPARTMENT; ASSISTANT CHIEF.

The Chief of the Fire Department and the Assistant Chief shall be elected by the members of the Department subject to confirmation by the Council. Each shall hold office for two years and until his or her successor had been duly elected, except that he or she may be removed by the Council for cause and after a public hearing.

(^74 Code, Chapter 3.03, § 2) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.22 DUTIES OF THE CHIEF.

The Chief shall have control over all of the firefighting apparatus and shall be solely responsible for its care and condition. He or she shall make a report, semi-annually, to the Council at its meetings in March and September as to the condition of the equipment and needs of the Fire Department. He or she may submit additional reports and recommendations at any meeting of the Council. He or she shall be responsible for the proper training and discipline of the members of the Fire Department and may recommend that the City Council terminate or suspend any member for refusal or neglect to obey orders.

(^74 Code, Chapter 3.03, § 3)

§ 31.23 RECORDS.

The Chief shall keep in convenient form a complete record of all fires. The record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner or tenant, purpose for which occupied, members of the Department responding to the alarm and such other information as he or she may deem advisable or as may be required from time to time by the Council or State Insurance Department.

(^74 Code, Chapter 3.03, § 4) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.24 PRACTICE DRILLS.

It shall be the duty of the Chief, when the weather permits, to hold a monthly practice drill of at least one hours duration for methods of firefighting and fire prevention.

(^74 Code, Chapter 3.03, § 5)

§ 31.25 ASSISTANT CHIEF.

In the absence or disability of the Chief, as determined by the City Council, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

(^74 Code, Chapter 3.03, § 6)

§ 31.26 FIREFIGHTERS.

Any person over the age of 60 years who wishes to serve as a member must meet annual physical fitness criteria set by the Chief and be ratified by the membership and the Council.
(^74 Code, Chapter 3.03, § 7) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.27 LOSS OF MEMBERSHIP.

Firefighters absent from three consecutive meetings, unless excused by the Chief, shall forfeit membership in the Department.
(^74 Code, Chapter 3.03, § 8)

§ 31.28 RELIEF ASSOCIATION.

The members and officers of the Fire Department shall organize themselves into a Firefighter's Relief Association.
(^74 Code, Chapter 3.03, § 9)

§ 31.29 ARTICLES AND BYLAWS.

The Fire Department shall adopt "Articles of Constitution" and "Standard Operating Guidelines of the Dassel Volunteer Fire Department" which shall govern the operation of the organization. Such "articles" and "standard operating guidelines" shall be submitted to the City Council for their approval and shall be effective upon the Council's acceptance.
(^74 Code, Chapter 3.03, § 10) (Am. Ord. 02-2004, passed 2-17-04)

§ 31.30 INTERFERENCE WITH DEPARTMENT.

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause or to interfere with the Fire Department in the discharge of its duties; and any person convicted of violating this section shall be deemed guilty of a misdemeanor and shall be fined as determined by § 10.99.
(^74 Code, Chapter 3.03, § 11) Penalty, see § 10.99

§ 31.31 FIRE MARSHAL.

At the first regular meeting in the month of January, the Council shall appoint a Fire Marshal. The Fire Marshal shall hold his or her office at the will of the Council and until a successor has been

appointed and shall have been qualified. The Council shall fix the salary or compensation of the Fire Marshal and may change the same at any time during the year. The Fire Marshal shall report to and be supervised by the Administrator-Clerk-Treasurer.

§ 31.32 DUTIES OF FIRE MARSHAL.

The Fire Marshal shall perform the duties required of him or her by the City Council relative to the prevention of fires, and in addition thereto it shall be his or her duty to enforce the ordinances of the city relative to fires.

(74 Code, Chapter 2.02, § 8)

Section

CHAPTER 32: ~~BOARDS AND COMMISSIONS~~ *Planning Commission*

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PLANNING COMMISSION

§ 32.01 ESTABLISHMENT OF COMMISSION.

A City Planning Commission for the City of Dassel is established. The Commission shall be the city planning agency.

(^74 Code, Chapter 3.04, § 1)

§ 32.02 COMPOSITION.

(A) The Planning Commission shall consist of five members appointed by the City Council and may be removed by a four-fifths vote of the Council. A Council member, appointed annually by the City Council, shall serve as a member ex-officio.

(B) Appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office.

(C) Terms shall be for two calendar years.

(D) Appointed members shall be compensated a lump sum annually in lieu of mileage and expenses as determined by Council resolution.

(^74 Code, Chapter 3.04, § 2) (Am. Ord. 3.04, passed 5-20-75; Am. Ord. 3.041, passed 12-1-75; Am. Ord. 01-2004, passed 2-2-04)

§ 32.03 ORGANIZATION, MEETINGS AND THE LIKE.

(A) The Commission shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine. The City Administrator-Clerk-Treasurer shall act as Secretary of the Planning Commission.

(B) The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. On or before April 1 of each year the Commission shall submit to the City Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council.

(^74 Code, Chapter 3.04, § 3)

§ 32.04 POWERS AND DUTIES OF THE COMMISSION.

The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by M.S. §§ 463.351 to 462.365, as they may be amended from time to time. It shall also exercise the duties conferred upon it by this subchapter.

(^74 Code, Chapter 3.04, § 4)

NURSING HOME BOARD

§ 32.15 NURSING HOME.

The Name of the Nursing Home shall be “Dassel Lakeside Community Home.”
(Ord. 3.05, passed 5-15-78; Am. Ord. 3.051, passed 6-5-78)

§ 32.16 ESTABLISHMENT OF BOARD.

The Nursing Home Board for the city is established and hereafter referred to as “Dassel Lakeside Nursing Home Board.”
(Ord. 3.05, passed 5-15-78)

§ 32.17 COMPOSITION.

(A) *Board members.* The Board shall consist of six members. The City Council shall appoint five persons from the Dassel Lakeside Community Home market area to serve on the Board, and any member may be removed by a four-fifths vote of the Council. The sixth member of the Board shall be a member of the City Council and appointed by the City Council. The City Administrator-Clerk-Treasurer shall be an ex officio member of the Board. The quorum of members required to conduct business at any meeting shall be three.

(B) *Term of Board member.* Of the members from the Dassel Lakeside Community Home market area, the Board members shall be appointed for a regular term of four years. Four of the Dassel Lakeside Community Home market area positions will have an expiration date set at the conclusion of a calendar year (one termination each year), the fifth position set with a conclusion on June 30 of the fourth year of the term. The members of the Board shall hold office until their successors are appointed. Vacancies occurring during the term of the appointees office shall be filled by the Council for the unexpired term of that member. The member appointed from the City Council shall serve for a term of one year.

(C) *Compensation.* All members shall serve without compensation.
(Ord. 3.05, passed 5-15-78; Am. Ord. 3.054, passed 9-8-98)

§ 32.18 ORGANIZATION, MEETINGS, BYLAWS AND THE LIKE.

(A) *Offices.* The Board shall elect a Chairperson from among its appointed members for a term of one year; the Board may create and fill such other offices and positions as they may determine by bylaws.

(B) *Bylaws.* The Board shall recommend bylaws to the City Council for their approval.

(C) *Meetings.* The Board shall set bylaws and regular monthly meetings which shall be approved by the City Council.

(D) *Records.* The Board shall keep records of all resolutions, transactions and recommendations, which records shall be made a public record. On or before the first regular scheduled Council meeting of the City Council in the month of November, the Board shall submit to the Council a report of its work during the preceding year and a budget for the succeeding year. The Board shall submit to the Council monthly financial reports and recommendations of expenditures not approved in the annual budget.

(E) *Powers and duties of Board.*

(1) The Board shall have the responsibility for the operation and maintenance of the Dassel Lakeside Nursing Home.

(2) It is the duty of the Board to:

(a) Operate and maintain the Dassel Lakeside Nursing Home and to oversee and review any responsibilities that it delegates to the Nursing Home Administrator;

(b) To oversee, review and to make recommendations to the City Council on any required and requested expenditures that are necessary or desirable for the operation and maintenance of the Dassel Lakeside Nursing Home; no expenditures shall be made without Council approval;

(c) To conduct all negotiations with the staff and to make recommendations to the City Council on the appropriate action and response; to insure that all state and federal regulations in the operation of a Nursing Home are complied with and to file all reports, information, certifications and applications necessary to operate a Nursing Home.

(Ord. 3.05, passed 5-15-78)

PARK AND RECREATION ADVISORY COMMISSION

§ 32.30 PURPOSE.

The city does now operate and maintain public parks for the benefit and pleasure of its citizens. There is established a Commission to be advisory to the City Council and to be known as the Park and Recreation Advisory Commission. The Commission shall be organized and shall have the duties as set forth in this subchapter.

(Ord. 3.06, passed 3-4-91)

Cross reference:

Park Regulations, see Chapter 90

§ 32.31 COMPOSITION.

(A) The Park and Recreation Advisory Commission shall consist of five members appointed by the majority of the City Council. Of the five members, at least three members shall be residents of the city.

(B) Of the members of the Commission first appointed, two shall be appointed for the term of one year, two for the term of two years and two for the term of three years; their successors shall be appointed for terms of two years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his or her duties take an oath that he or she will faithfully discharge the duties of his or her office.

(C) Members of the Park and Recreation Advisory Commission shall serve without pay but may be reimbursed for actual expenses accrued in the discharge of their official duties with Council approval.

(Ord. 3.06, passed 3-4-91; Am. Ord. 3.061, passed 11-18-96)

§ 32.32 ORGANIZATION, MEETINGS AND THE LIKE.

(A) *Officers.* The Commission shall elect a Chairperson from among its appointed members for the term of one year, and the Commission may create and fill such other offices as it may determine.

(B) *Meetings.* The Commission shall hold one regular meeting per month at City Hall. Special meetings may be called by the Chairperson or by any two Commission members. Written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to all of the members of the commission and to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day. All meetings of the Commission shall be open to the public.

(C) *Quorum, voting.* Three members at a regular or special meeting shall constitute a quorum. All questions presented for a vote shall be decided by a simple majority of those present.

(D) *Records, reports.* The Commission shall keep a record of its transactions, recommendations and resolutions, which record shall be a public record. The Commission shall make monthly reports of its activities to the City Council. On or before February 15 of each year, the Commission shall submit to the City Council a report of its work during the preceding calendar year.

(E) *Finances.* The Commission shall submit a proposed budget for each fiscal year to the City Council by July 15 of each calendar year. Expenditures of the Commission shall be within amounts appropriated by the City Council.

(F) *Bylaws*. The Commission may adopt and from time to time amend its own rules of procedure, which rules shall be approved by the City Council.
(Ord. 3.06, passed 3-4-91; Am. Ord. 3.061, passed 11-18-96)

§ 32.33 POWERS AND DUTIES OF THE COMMISSION.

The Commission is designated to perform the following responsibilities:

(A) Consider, review, report and advise on all park and recreational matters which the Council may refer to the Commission;

(B) Develop immediate and long-range plans for the park and recreational needs of the citizens of the city and recommend to the Council a feasible means of financing such requirements;

(C) Recommend to the Council operating policies and procedures for use in existing parks, future parks and public lands;

(D) The responsibility for enhancing parks through evaluation, planning and initiating new programs and ideas;

(E) Coordinate city programs with area-wide programs, including programs of community education.
(Ord. 3.06, passed 3-4-91)

RED ROOSTER DAY FESTIVAL COMMITTEE

§ 32.45 COMPOSITION.

(A) The Red Rooster Day Festival Committee shall consist of not less than ten members. All members shall be appointed by the City Council. All members may be removed for a four-fifths vote of the Council. The Mayor, or his/her designee from the City Council, shall serve as an ex-officio member of the Committee.

(B) Appointees shall hold their offices until their successors are appointed and qualified. Vacancies during the term shall be filled by the Council for the unexpired portion of the term.

(C) Terms shall be for two calendar years.

(D) All members shall serve without compensation but may be reimbursed for actual expenses accrued in the discharge of their official duties at the discretion of the Committee.
(Ord. 14-2003, passed 12-1-03)

§ 32.46 ORGANIZATION, MEETINGS AND THE LIKE.

(A) The Committee shall elect a chairperson (s) and a Treasurer from among its appointed members for terms of one year. The Committee may create and fill such other offices and positions as it may determine.

(B) The Committee shall adopt rules for the transaction of business and keep a record of its transactions, activities, actions and resolutions. All records of the Committee shall be public record. The Committee shall make quarterly reports of its activities to the City Council. On or before December 1, the Committee shall submit to the City Council a report of its work during the preceding year.

(C) On or before December 1, the Committee shall submit to the City Council a budget for approval. The Treasurer shall have the authority to spend funds as specified in the budget. The Treasurer shall have the authority to spend funds as specified in the budget. All amendments to the budget must be approved by the City Council.

(D) One-half of the members of the Committee shall constitute a quorum. All questions presented for a vote shall be decided by a simple majority of those present. All meetings of the Committee shall be open to the public.

(Ord. 14-2003, passed 12-1-03)

§ 32.47 DUTIES OF THE COMMITTEE.

The Committee shall have the responsibility for the planning of the Red Rooster Day festivities.
(Ord. 14-2003, passed 12-1-03)

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Dassel - Administration

Section

33.01	Funds	CHAPTER 33: CITY FUNDS
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§ 33.01 FUNDS.

There shall be created and set apart the following funds, and the Administrator-Clerk-Treasurer of the City of Dassel shall keep an accurate account of all moneys credited to each of such funds, as follows:

- Building Fund
- Capital Improvement Fund
- Fire Department Fund
- Firefighter's Relief Fund
- Garbage Fund
- General Fund
- Liquor Fund
- PERA Fund
- Police Fund
- Revenue Sharing Fund
- Sewer Fund
- Storm Water Management Fund
- Street Fund
- Water Fund

and such funds as may be established by the City Council for the retirement of bonds and special improvement bonds and such sinking funds as the Council may determine by resolution.

(^74 Code, Chapter 3.01, § 1) (Am. Ord. - -, passed 1-21-03)

§ 33.02 ACCOUNTING TO FUNDS.

All moneys received for licenses and fines shall be paid into the City General Fund. The money received for taxes shall be credited to the various funds for which such taxes shall have been levied. (^74 Code, Chapter 3.01, § 2)

§ 33.03 DISBURSEMENTS.

All expenses of the city of whatever character properly arising out of municipal affairs and not otherwise provided for shall be paid from the General Fund, including payment of all debts as they become due as well as the interest on the same. Nothing herein shall affect the operation of other funds prescribed by ordinance or resolution of the City Council. (^74 Code, Chapter 3.01, § 3)

§ 33.04 CLAIMS APPROVED.

No money demand against the city shall be paid until audited and allowed by the Council, and before so audited and allowed no order shall be drawn upon the Administrator-Clerk-Treasurer therefor. The demands shall be made out in items and be signed by the claimant that the claim is just and correct and that no part of it has been paid. The Administrator-Clerk-Treasurer shall endorse thereon the word "Disallowed" if such be the fact, or "Allowed in the sum of \$ _____" if approved in whole or in part, specifying in the latter case the items rejected. The accounts shall be filed with the Administrator-Clerk-Treasurer and consecutively numbered throughout the year. Each claim allowed shall also bear the number of the order drawn for its payment. (^74 Code, Chapter 3.01, § 4)

§ 33.05 SIGNING OF ORDERS.

All orders for the payments of money out of funds of the city shall be signed by the Mayor of the city and countersigned by the Administrator-Clerk-Treasurer unless otherwise specified by ordinance. The orders shall specify the purpose for which they were drawn, the fund out of which they are payable, the name of the person in whose favor they are drawn and may be made payable to the order of such person or bearer. (^74 Code, Chapter 3.01, § 5)

Section

- 34.01 Policy and purpose **CHAPTER 34: EMERGENCY MANAGEMENT**
- 34.02 Definitions
- 34.03 Establishment of emergency management organization
- 34.04 Powers and duties of Director
- 34.05 Local emergencies
- 34.06 Emergency regulations
- 34.07 Emergency management a government function
- 34.08 Participation in labor disputes or politics

- 34.99 Penalty

§ 34.01 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 insure 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.

(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.

§ 34.02 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, firefighting 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, 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 assures implementation of federal and state program requirements.

§ 34.03 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 appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time. The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses. 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 Mayor.

§ 34.04 POWERS AND DUTIES OF DIRECTOR.

(A) The Director, with the consent of the Mayor, 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 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 plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the 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 Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency 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 assure 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.

§ 34.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the 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-Clerk-Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster 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 inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 34.99

§ 34.06 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 Council, the 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-Clerk-Treasurer. 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-Clerk-Treasurer's office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

(C) The 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 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 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 § 34.99

§ 34.07 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 he or she would otherwise be entitled under this resolution, 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.

§ 34.08 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.

§ 34.99 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 and subject to penalty as set forth in § 10.99.

Section

- 35.01 Purpose **CHAPTER 35: ADMINISTRATIVE OFFENSES**
- 35.02 Administrative offense defined
- 35.03 Notice
- 35.04 Payment
- 35.05 Hearing
- 35.06 Hearing Officer
- 35.07 Failure to pay
- 35.08 Disposition of penalties
- 35.09 Offenses and penalties
- 35.10 Subsequent offenses

Cross-reference:

General Penalty, see § 10.99

§ 35.01 PURPOSE.

Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which even the city may bring criminal charges in accordance with the law. Likewise, the city in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

§ 35.02 ADMINISTRATIVE OFFENSE DEFINED.

An administrative offense is a violation of a provision of this code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in § 35.09.

§ 35.03 NOTICE.

Any officer of the Dassel Police Department, or any other person employed by the city, authorized by City Council resolution, and having authority to enforce this code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

§ 35.04 PAYMENT.

Once such notice is given, the alleged violator may, within seven days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

§ 35.05 HEARING.

Any person contesting an administrative offense pursuant to this chapter may, within seven days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have the authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

§ 35.06 HEARING OFFICER.

A city employee designated by the City Council shall be the hearing officer for all administrative offenses. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this chapter.

§ 35.07 FAILURE TO PAY.

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

§ 35.08 DISPOSITION OF PENALTIES.

All penalties collected pursuant to this chapter shall be paid to the City Administrator-Clerk-Treasurer and shall be deposited in the city's general fund.

§ 35.09 OFFENSES AND PENALTIES.

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Administrator-Clerk-Treasurer.

§ 35.10 SUBSEQUENT OFFENSES.

In the event a party is charged with a subsequent administrative offense (except speeding) within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous penalty, except as otherwise provided by resolution.

Section

36.01 Fee schedule **CHAPTER 36: FEE SCHEDULE**

§ 36.01 FEE SCHEDULE.

(A) Fees for various services and permits provided by the City of Dassel shall be as set forth in the fee schedule contained in division (B) below, and as subsequently set forth in the annual fee schedule resolution adopted by the City Council at its organizational meeting in January of each year.

(B) The fee schedule is incorporated herein by reference as “Exhibit A” and is available in the Office of the City Administrator-Clerk-Treasurer.

(C) The city service and permit fee schedule shall be subject to amendment by resolution or ordinance as deemed necessary from time to time by the City Council.

(Am. Ord. 15-2003, passed 12-15-03; Am. Ord. - -, passed 1-21-03; Am. Ord. 06-2003, passed 3-17-03; Am. Ord. 10-2004, passed 12-20-04)

