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CHAPTER III

ADMINISTRATION OF CITY GOVERNMENT

Section 300 – Officers and departments

300.01. City administrator.

Subdivision 1. Establishment of office. The office of city administrator is established.

Subd. 2. Appointment and removal. The city council shall appoint the city administrator by council ordinance or resolution on the basis of training, experience and administrative qualifications. The administrator will be appointed for an indefinite period and may be removed by the council at any time. If the removal occurs after the person has served as administrator for one year, the person may demand written charges and a public hearing on the charges before the council prior to the date when removal takes effect. Pending such hearing and removal the council may suspend the person from office. The council may designate some qualified person to perform the duties of the administrator during any absence or disability. The terms and conditions of employment of the appointed city administrator may be established by the employment agreement between the city and the city administrator. The terms of the employment agreement supersede the provisions in this chapter on any subject area covered by both the employment agreement and this chapter.

Subd. 3. Bond. The city administrator must furnish a surety bond in the amount of \$125,000 to be approved by the city council. The bond will be conditioned upon faithful performance of the position's duties. The premium for the bond will be paid by the city.

Subd. 4. Duties. The city administrator will be the chief administrative officer of the city and will be responsible to the council for the proper administration of all affairs relating to the city. The city administrator will perform all the duties assigned by resolution or otherwise by the council, and will administer and implement the policies and procedures established by the council.

300.03. City clerk.

Subdivision 1. Establishment of office. The office of city clerk is established.

Subd. 2. Appointment and removal. The city clerk serves at the pleasure of council. The council may appoint a city clerk for an indefinite term and remove the person from that position.

Subd. 3. Bond. The city clerk must furnish a surety bond in the amount of \$125,000 to be approved by the city council. The bond will be conditioned upon faithful performance of the city clerk's duties. The premium for the bond will be paid by the city.

Subd. 4. Deputy clerk. The city clerk may, with the consent of the council, appoint a deputy city clerk for whose acts the city clerk will be responsible, and whom the city clerk may remove at pleasure. In case of the city clerk's absence from the city or disability, the council may appoint a deputy city clerk, if there is none, to serve during such absences or disability. The deputy may discharge any of the duties of the city clerk.

Subd. 5. Duties. The city clerk will be immediately responsible to the city administrator for effective administration of the city clerk's department and all assigned activities. The city clerk will have the following duties:

- (a) Perform all duties required of the office by statute, the council, ordinance, resolution or the city administrator.
- (b) Give notice of each regular and special election, record the election proceedings, notify officials of their election or appointment to office, certify to the county auditor all appointments and the results of all city elections.
- (c) Act as the clerk of the city, the custodian of its seal and records, sign its official papers, post and publish such notices, ordinances and resolutions as may be required and perform such other appropriate duties as may be imposed upon the city clerk by the council.
- (d) Keep the following books:
 - (1) A minute book noting all proceedings of the councils. Ordinances, resolutions and claims considered by the council need not be given in full in the minute book if they appear in other permanent records of the city clerk and can be accurately defined from the description given in the minutes.
 - (2) An ordinance book in which the city clerk will record at length all ordinances passed by the council.
- (e) Deliver to a successor all books and papers belonging to the city.

300.05. Finance officer/treasurer.

Subdivision 1. Establishment of office. The office of finance officer/treasurer is established.

Subd. 2. Appointment and removal. The finance officer/treasurer serves at the pleasure of council. The council may appoint finance officer/treasurer for an indefinite term and remove the person from that position.

Subd. 3. Bond. The finance officer/treasurer must furnish a surety bond in the amount of \$125,000 to be approved by the city council. The bond will be conditioned upon faithful performance of the finance officer/treasurer's duties. The premium for the bond will be paid by the city.

Subd. 4. Duties. The finance officer/treasurer will be immediately responsible to the city administrator and the city council for effective administration of the finance officer/treasurer's department and all assigned activities. The finance officer/treasurer will have the following duties:

- (a) Perform all duties required of the office by statute, the council, ordinance, resolution or the city administrator
- (b) Act as a bookkeeper of the city. For certified copies and for filing and entering, when required, papers not relating to city business, the finance officer/treasurer will receive the fees allowed by law to town clerks; but the council may require the finance officer/treasurer to pay such fees into the city treasury.
- (c) Receive and faithfully keep all monies belonging to the city, including monies received in operations of any municipal liquor dispensary maintained by the city, and promptly enter in the book provided for the purpose an account of all monies received and disbursed by the finance officer/treasurer as finance officer/treasurer, showing the source and objects of all monies with the date of each transaction.
- (d) Pay out money only upon written order of the mayor and clerk, or such other officers of independent boards or commissions as are authorized to issue orders in the case of board or commission operations. Retain as vouchers such orders when paid or cancelled. Such accounts and vouchers will be exhibited to the council upon its request.
- (e) Keep an account book, in which the finance officer/treasurer will enter all money transactions of the city, including the dates and amounts of all receipts and the person from whom the money was received and all the orders drawn upon the finance officer/treasurer with their payee and object. Immediately after the close of the calendar year, the finance officer/treasurer will complete, and file in city records for public inspection, a report of balances, receipts and disbursements by funds for the year.
- (f) Deliver to a successor all books, papers and money belonging to the city.

300.07. Annual audit.

The council must provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum procedures prescribed by the state auditor.

Section 305 – Boards and commissions

305.01. Parks and recreation commission.

Subdivision 1. Established. There is established a parks and recreation commission.

Subd. 2. Members.

- (a) The commission shall consist of five members. Each commissioner shall serve for a term of three years each.
- (b) In addition to the members provided for in clause (a), a council member designated by the council will be an ex officio nonvoting member of the commission.
- (c) Any member of the commission shall be considered to be an at-will appointment and shall serve at the pleasure of the mayor and the city council. Any member of the commission may be removed at any time for any reason by a vote of a simple majority of the city council.
- (d) A commission member must attend 4 hours of training per year. A list of acceptable training opportunities for each year shall be compiled by the city administrator and approved by the city council.
- (e) Members of the commission will serve without compensation.

Subd. 3. Organization and meetings.

- (a) The parks and recreation commission shall elect a chair and vice-chair 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 necessary.
- (b) The commission shall adopt and amend when necessary such rules, bylaws and regulations as it deems necessary and advisable.
- (c) The commission shall meet at least quarterly or more often if required. Three members present at a regular or special meeting shall constitute a quorum.
- (d) The commission shall make annual reports of its activities to the council and shall render such other regular or special reports, advisory recommendations or make such investigations as it deems advisable or as may be requested by the city council. The commission shall meet with the city council in a joint session at dates and times specified by the city council.

Subd. 4. Powers and duties.

- (a) The parks and recreation commission will advise the council on the acquisition, development and maintenance of recreational areas and facilities on the property under the custody and management of the city, including but not limited to playgrounds, parks, play fields, swimming pools, beaches, camps, indoor recreation centers and all other recreational facilities. The commission may advise the city to enter into agreement of a cooperative nature with other public and private agencies, organizations or individuals.
- (b) The parks and recreation commission shall make recommendations to the city council and planning commission concerning the property acquisitions needed or desired to complete a comprehensive parks and recreation system in the city. One member of the commission will be appointed by the chairman as a liaison with the city council and the planning commission.

305.03. Planning commission.

Subdivision 1. Established. There is established a planning commission. The commission will serve as the planning agency of the city within the meaning of sections 462.351 through 462.364 of Minnesota Statutes. In such capacity, the commission will be advisory to the council.

Subd. 2. Members. The planning commission will consist of seven members, all of whom will be appointed by majority vote of the council and all or any of whom may be removed by a two-thirds vote of all the members of the council. Members may be appointed for terms of four years and until their successors are appointed and qualified. Vacancies during the term must be filled by the council for the unexpired portion of the term. Every appointed member must take an oath that they will faithfully discharge the duties of their office. All members will serve without compensation.

Subd. 3. Organization and meetings. The planning commission will elect a chairman from among its appointed members for a term of one year and may create and fill such offices as it may determine. It must hold at least one regular meeting each month. It will adopt rules for the transaction of business and will keep a record of its resolutions, transactions and findings, which record must be a public record. On or before February 1 of each year, the planning commission will submit to the council a report of its work during the preceding year.

Subd. 4. Adoption of a program of work.

- (a) The planning commission will prepare a program of work, which will include:
 - (1) An outline of data and information to be assembled as a basis for the comprehensive city plan;

- (2) An outline of subjects to be covered by the comprehensive city plan;
 - (3) An outline of types of procedure necessary to make the comprehensive city plan effective.
- (b) The planning commission may, by resolution, revise its program of work from time to time.

Subd. 5. Preparation of comprehensive city plan. It will be the duty of the planning commission to prepare and recommend to the city council a comprehensive city plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other developments, the use of property, the density of population, and other matters relating to the physical development of the city. Such comprehensive plan may be prepared in sections, each of which will relate to a major subject of the comprehensive plan, as outlined in the planning commission's program of work.

Subd. 6. Procedure for adoption of comprehensive city plan.

- (a) The planning commission may prepare and recommend to the council for adoption the comprehensive city plan in sections each of which relates to a major subject of the plan or to a major geographical section of the city.
- (b) The planning commission may from time to time recommend amendments or additions to the comprehensive city plan or section of it whenever changed conditions or further studies indicate that amendment or addition is necessary.
- (c) Before recommending the comprehensive city plan or any section of it or any substantial amendment to it, the planning commission will hold at least one public hearing. The notice of the time, place and purpose of such hearing will be given by publication in the official newspaper at least ten days before the day of the hearing. The preparation and recommendation of the comprehensive city plan or of any section or amendment to it will be by resolution of the planning commission, approved by the affirmative vote of not less than five-sevenths of its total membership.
- (d) An attested copy of the comprehensive city plan or of any section, amendment or addition to the comprehensive city plan recommended by the planning commission will be certified to the city council and upon approval by a majority of the council will be made official.

Subd. 7. Means of executing comprehensive city plan.

- (a) Upon the recommendation of the comprehensive city plan or any section of it, it will be the duty of the planning commission to recommend to the city council reasonable and practical means for putting into effect such comprehensive plan or section of it in order that the same will serve as a

pattern and guide for the orderly physical development of the city and as a basis for the efficient expenditure of funds relating to the subjects of such comprehensive city plan.

- (b) Such means will consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the city, a long-term program of capital expenditures and such other matters as will accomplish the purposes of this section.

Subd. 8. Zoning map. The planning commission upon its own motion may and, upon instruction by the city council, will prepare a proposed zoning map for the city. Before recommending such a map to the city council, the planning commission will hold at least one public hearing after a notice similar to that required by section 305.03, subdivision 6(c). The same procedure will apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of land for public purposes.

Subd. 9. Procedure for changes in plans. No change will be made in the zoning map, future street or public lands plan, or regulations governing the platting of land after such plans or regulations have been adopted by the city council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the city council. Failure of the planning commission to report within 40 days or such longer period as may be designated by the city council will be deemed approval of such proposed change by the planning commission.

Subd. 10. Lists of recommended public works. Each officer, department, board or commission of or in the city whose functions include recommending, preparing plans for, or constructing public works must, at least three months before the end of each fiscal year, submit to the planning commission a list of the proposed public works recommended by such officer, department, board or commission for planning, initiation, or recommending during the ensuing fiscal year. The planning commission will request from the local school district or school districts a similar list of its proposed public works. The planning commission will list and classify all such proposed public works and will prepare a coordinated program of proposed public works for the ensuing fiscal year. Such program will be recommended by the planning commission to the council and to such other officers, departments, boards or public bodies as have jurisdiction over the recommending, planning or construction of such public works. A copy of such recommended program of public works will be included in the annual report of the planning commission as provided in section 305.03, subdivision 3.

Section 310 – Personnel administration

310.01. Policy; intent.

It is the intent of the city council that personnel administration in the city be governed by a comprehensive set of personnel rules and regulations covering the selection, supervision, discipline, pay classification, benefits and other matters relating to the working conditions of city employees.

310.03. Employment policy.

The city administrator has developed a set of personnel rules and regulations to carry out the intent expressed in subsection 310.01. The council has reviewed those rules and regulations and found that the rules and regulations embody an efficient, uniform, and comprehensive system of personnel administration for the city.

310.05 Employment policy adopted.

The rules and regulations as proposed by the city administrator are adopted by the council and are set forth in appendix _____. The council may amend appendix _____ by resolution from time to time.

310.07. Labor agreements.

With respect to employees whose positions are included in a collective bargaining unit, provisions of the applicable collective bargaining agreements negotiated pursuant to the Public Employment Relations Act MS 179A.01-179A.25, supersede the rules and regulations outlined in the city employment policy on any subject area covered by both the collective bargaining agreement and the employment policy.

310.09 Criminal history background check.

The police department is authorized to conduct a criminal history background investigation on applicants for positions with the city, as provided by this section. This section applies only to applicants who are finalists for paid or volunteer positions with the city where the city administrator has determined that conviction of a crime may relate directly to the position sought. The police department may not perform a background investigation unless the applicant consents in writing to the investigation and to the release of the investigation information to the city administrator and other city staff as may be appropriate. An applicant's failure to provide consent will disqualify the applicant for the position sought. If the city administrator rejects the applicant's application due, solely or in part, to the applicant's prior conviction of a crime, subject to the exception set forth in Minnesota Statutes, section 364.09, the city administrator must notify the applicant in writing of the following:

- (a) the grounds and reasons for the rejection;
- (b) the applicable complaint and grievance procedure set forth in Minnesota Statutes, section 364.06;

- (c) the earliest date the applicant may reapply for employment; and
- (d) that all competent evidence of rehabilitation will be considered upon reapplication.

310.11. Personnel committee.

Personnel committee is established. The powers and duties of the personnel committee must be outlined in the employment policy as set forth in appendix _____.

Section 315 – Disposition of unclaimed property

315.01. Definitions.

The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means motor vehicle as defined by chapter 169 of Minnesota Statutes.

Responsible authority means either the city administrator or the chief of police.

Unclaimed means lawfully coming into the possession of the city in the course of municipal operations and remaining unclaimed by the owner.

315.03. Exception.

This section does not apply to abandoned or junked motor vehicles as defined in chapter 168B of Minnesota Statutes or to property forfeited to the city pursuant to sections 609.53 - .5317 and 169A.63 of Minnesota Statutes.

315.05 Unclaimed property.

Subdivision 1. Generally. Unclaimed property coming into the possession of the city must be handled and disposed of in the manner provided in this section.

Subd. 2. Custody. Unclaimed property coming into the possession of any city officer, agent or employee or member of any city department must within 24 hours be turned over to the responsible authority by such officer, agent or employee or member of a city department. The responsible authority must make provisions for receiving and safe keeping of property and money delivered to them and coming into their possession in the course of municipal operations. A receipt will be issued to the person delivering such property or money to the city. Such property must be stored in a safe place and such money deposited with the city finance officer/treasurer in a special account for a period of three months unless claimed by the lawful owner.

Subd. 3. Claims by owners. During such three-month period, the responsible authority must make a search to locate the lawful owner. The responsible authority may deliver such property or order such money paid to the owner after receiving satisfactory proof of ownership and after providing ten days' notice by mail to the person, other than the police officer or city employee, who delivered such property and to such other person who has asserted a claim of ownership. The city finance officer/treasurer must not issue any order for the disbursement of such money without the written order of the responsible authority. If ownership cannot be determined to the responsible authority's satisfaction, the responsible authority may refuse to deliver such property or order the payment of such money to anyone until ordered to do so by a court of competent jurisdiction.

Subd. 4. Claim by finder. If the lawful owner does not claim the property or money during this three-month period, the responsible authority may deliver the property or order the money paid to the person, other than the police officer or city employee, who delivered it to the responsible authority if such finder will have previously asserted in writing a claim to the property or money.

Subd. 5. Transfer to general fund. If any such money is not claimed by the lawful owner or finder within the three-month period, the responsible authority will so notify the city finance officer/treasurer and the money must then be transferred to the general fund of the city.

Subd. 6. Disposal. After the three-month period, property not delivered to the lawful owner or finder will be sold by the responsible authority at public auction to the highest bidder or appropriated to the use of the city.

Subd. 7. Notice of sale. On behalf of the city, the responsible authority must sell all unclaimed property and all property not appropriated to or by the city following at least one published notice of sale in the city's official newspaper not less than two weeks prior to such sale. The published notice must contain the following information:

- (a) Time and place of sale;
- (b) Description of property to be sold;
- (c) Terms of payment;
- (d) That sale will be at public auction and to the highest bidder.

Subd. 8. Public sale. If the volume and value of unclaimed property is insufficient in the opinion of both the chief of police and the city administrator to justify a public auction, the unclaimed property may be sold by public sale. The responsible authority will follow the procedure in subdivision 7 except that sale will be at a public sale to the person with the first reasonable offer.

Subd. 9. Disposition of proceeds and unsold property. The responsible authority will remit the proceeds of the auction/sale to the city finance officer/treasurer for deposit in the general fund. Any property offered for sale but not sold and not suitable for appropriation to the use of the city will be deemed worthless and will be disposed of in such manner as the responsible authority directs.

Subd. 10. Claim by owner after auction. The lawful owner of property sold at public auction or sale will, upon application to the city finance officer/treasurer within six months from the date of sale and upon delivery of satisfactory proof of ownership, be paid the sale price from the general fund, less the reasonable expenses incurred in the movement, storage, care and sale of such property.

315.07 Summary disposal.

The responsible authority may without notice and in such manner as the responsible authority determines to be in the public interest summarily dispose of any property coming into the responsible authority's possession which the responsible authority determines to be dangerous or perishable. The responsible authority will make a record of the pertinent facts of the receipt and disposal of such property.