

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY OFFICIALS

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GENERAL REQUIREMENTS

' 30.01 EMPLOYEES AND OFFICIALS TO LIVE WITHIN TWO MILES OF CITY LIMITS.

(A) *Purpose.* It is the opinion of the City Council that it is in the public interest to require all city officials and employees to reside within the city limits or within two miles of the city limits. Such a requirement will have the effect of enhancing job performance by giving

- (3) Present employees or officials of the city

the employees or officials greater personal knowledge of the city conditions and a feeling of a personal stake in the city=s progress. This requirement will also have the effect of diminishing absenteeism and tardiness as well as providing economic stimulation from local expenditure of salaries. This requirement will make city employees readily available to respond to crisis or emergency situations.

(B) *Scope.* This section shall apply to all present and future full-time regular city employees and officials. A ***REGULAR FULL-TIME EMPLOYEE*** or ***OFFICIAL*** is hereby defined to mean any employee or official who works for the city on the average of at least 30 hours per week on a permanent basis. This section shall not apply to temporary part-time, seasonal employees or to independent contractors.

(C) *Residency requirements.*

(1) The words ***RESIDE*** and ***RESIDENCY***, for the purpose of this section, mean the place at which an individual lives permanently, at which he or she receives his or her mail, at which various public records such as driver=s license documents indicate he or she lives, which he or she lists as his or her residence on voting records and at which he or she considers his or her permanent home.

(2) All new employees and officials of the city must reside within the city limits or within two miles of the then current city limits within six months of their appointment. All present city employees and officials now residing within the city limits or within two miles of the present city limits, must continue residing within the city limits or within two miles of the city limits, as the city limits are now established or as they are later changed.

who are now residing outside of the city limits or

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residing outside of two miles of the present city limits, are not required by this section to move within two miles of the city limits. However, should such an employee or official change his or her residency after the effective date of this section, any move must be to within the city limits or within two miles of the then existing city limits.

(4) Promotions may be withheld from city employees or officials who reside more than two miles from the then existing city limits pursuant to division (C)(3) above, if the residency, in the opinion of the employee=s or official=s supervisor, substantially impairs the employee=s or official=s availability during times of emergency.

(D) *Sanction.* Any city employee or official who fails to comply with the requirements of this section shall be terminated from his or her employment with the city.

(E) *Council waiver.* Notwithstanding anything herein to the contrary, if the City Council finds that the provision of this section will work an undue hardship on any employee or official, or, if the City Council finds that the provisions of this section prevents the City Council from hiring the best qualified individual for any particular position, the Council may waive the requirements of this section with respect to that employee or official. The City Council may grant a waiver only once under this provision to any given employee or official.

(Ord. 107, passed 5-11-1982)

Cross-reference:

Firefighter residency requirements, see ' 31.01

' 30.02 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

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

CITY COUNCIL

' 30.15 COUNCIL MEETINGS.

(A) The regular meetings of the City Council shall be held the second Tuesday of each month at the hour of 7:00 p.m., at the City Council Chambers.

(B) Special meetings may be called at other times by the President of the City Council, or by two of the trustees, upon notice to all the members of the Council, stating the time, place and the object of holding the same, and no other business shall be transacted at the meeting than that stated in the notice.

(C) The proceedings and deliberations of the City Council at all of its meetings shall be governed by *Robert=s Rules of Order*, excepting as otherwise provided by the bylaws of the city.
(Ord. 1, passed 7-6-1908)

CITY OFFICIALS

' 30.30 COMBINATION OF THE OFFICES OF THE CITY CLERK AND CITY TREASURER.

(A) Pursuant to the authority granted by Laws 1961, Chapter 230, the Offices of Clerk and Treasurer in the City of Bagley, Clearwater County, Minnesota, are hereby combined in the Office of City 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 Public Examiner or a Public Accountant in accordance with minimum auditing procedures prescribed by the Public Examiner.

(C) This section shall take effect upon its passage and official publication.
(Ord. 98, passed 1-5-1977)

30.31 CITY OFFICERS AND DUTIES.

(A) The President of the City Council shall be ex-officio supervisor of the cemetery, the general custodian of all buildings and property of the city and shall approve and execute with the City Clerk Treasurer all contracts made by the city, and as its Chief Executive Officer, enforce the ordinances and by-laws of the city.

(B) The City Council, shall, at its first annual meeting each year, or as soon thereafter as may be practicable, appoint a Marshal for the city and the other police officers as they may deem requisite, a Street Commissioner, a Board of Health, a Pound Master, a Fire Warden and when it deems it necessary, appoint, employ or retain an attorney for the city, and shall fix the salary and compensation of all city officers and employees.

(C) The officers and employees so appointed or employed shall continue to hold their respective offices or employments for a period of at least one year, and until their successors shall have been elected, appointed or employed, unless they shall have been sooner removed by the City Council, upon good cause shown, and when, in its judgement, the City Council deems that the public welfare will be promoted by the removal.

(D) When it deems it advisable, the City Council may appoint the same person to the Offices of Police Chief, Pound Master, Street Commissioner and Fire Warden.

(E) It shall be the duty of the Police Chief to preserve the peace within the limits of the city, and in a summary manner, arrest all persons violating the laws and ordinances of the city, have authority to command the assistance of all persons in making arrests, he or she shall also be the keeper of the city prison and shall perform the other duties as may from time to time be required of him or her by the City Council.

(F) The Board of Health shall consist of three members, and in addition to the powers and duties prescribed for it by the General Laws of the State of Minnesota, shall regulate the burial of the dead, return

bills of mortality, declare nuisances and to prevent and abate the same; shall hold meetings at least once a month, and at its first meeting after appointment, elect a Chairperson and a Clerk and report to the City Council any and all conditions existing within the city that may be unsanitary and injurious to health.

(G) The Street Commissioner, upon his or her appointment, shall give bond with sufficient sureties approved by the City Council and in such sum as shall be fixed by the Council, shall have the care, charge and supervision of all streets, alleys, sidewalks and public grounds of the city, the grading, construction and the keeping of the same in repair and in safe condition, shall collect the toll and road tax and perform the other duties as may be required of him or her by the City Council.

(H) The Fire Warden shall give bond with sufficient sureties approved by the City Council and in the amount as shall be fixed by the Council, before entering upon the discharge of his or her duties, and shall provide and adopt the means and regulations within the city as may tend to the prevention and spread of fires, and for that purpose, shall have the power to investigate buildings and their contents, and make regulations and suggestions to the proprietor for the prevention, spread and control of fires therein.

(I) The attorney appointed, retained or employed by the city shall give advice to the Council and the other offices of the city in all matters of law, prosecute and defend actions or proceedings for the city and its officers in which the city may be interested, draw all contracts and legal papers that may be required by the City Council and shall prosecute all offenders for the violation of the ordinances for the city, and while so appointed, retained or employed by the city, shall not take or prosecute any suit against the city.

(J) The Pound Master shall be the keeper of the city pound and shall perform all the duties required of him or her by the ordinances of the city.
(Ord. 2, passed 7-6-1908)

' 30.32 POLICE CHIEF AND POLICE OFFICERS.

(A) Whenever there is any riotous noise or unlawful disturbance by any person or persons, or any disorderly assemblage in or about any house or place in the city which may disturb the peace, it shall be the duty of the Police Chief or other police officer to repair to the scene of the riotous noise, unlawful disturbance or disorderly assemblage, and there to command that the peace be kept in the name of the State of Minnesota and the City of Bagley, and if thereupon peace and order is not restored and kept, he or she shall arrest all persons participating therein, and for the purpose of making any arrest under the ordinances of the city, he or she may summon to his or her assistance any male person present over the age of 18 years, and it shall be the duty of the person so summoned to promptly respond and render all the necessary assistance within his power to the police officer or Police Chief.

(B) It shall be unlawful for any person in the city, by threat, force or fraud to rescue or attempt to rescue any prisoner from lawful custody, or from any officer or other person having the prisoner under lawful arrest.

(C) The Police Chief or other police officer shall have power and it shall be his or her duty to arrest any person or persons engaged in violating any of the ordinances of the city or the provisions therein, or the laws of the state and also any person for he or she holds a warrant charging a violation of any of the ordinances of the city or the laws of the state.

(D) After making any arrest, it shall be the duty of the Police Chief or other police officer to take the person or persons so arrested before a Justice of the Peace of the city to be dealt with according to law and this code. Provided, if any arrest be made on Sunday, or after 8:00 in the evening, the person so arrested shall be confined in the city lock-up or prison until 9:00 in the morning of the following day, or until the time as the Justice may direct in pursuance of the law and the ordinances of the city, for hearing on the charge against the person so arrested. And provided further, no police officer shall be required to bring any person before any city Justice while the person is in a state of gross intoxication,

' 30.51 REGULATING ELECTIONS OF CITY OFFICERS, FILING BY CANDIDATES AND

unless a Justice of the Peace shall order him or her to be brought before him or her.

(E) Whenever any person is, by the city police or Police Chief, arrested without a warrant or process, it shall be the duty of the officer making the arrest to make complaint, as soon as may be, against the person before a Justice of the Peace of the city, specifying with certainty the offense for which the person was arrested and also to appear and give evidence at the trial or hearing of the charge before the Justice of the Peace.

(F) It shall be the duty of the Police Chief and other police officers of the city to suppress and restrain all disorderly houses and houses of ill-fame, and to seize and take into custody any and all gambling devices 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, and he or she shall make a monthly report to the City Council of his or her acts and doings under this section.

(G) Whenever any wood, lumber or other substance is placed or left in any street, alley, sidewalk or public place within the city, contrary to the provisions of any ordinance thereof, it shall be the duty of the Police Chief or other police officer to cause the same to be removed to some suitable place therefore within the city, at the expense and charge of the owner of the wood, lumber or other substance.
(Ord. 13, passed 7-6-1908) Penalty, see ' 30.99

CITY ELECTIONS

' 30.50 CHANGING REGULAR ELECTION DATE.

The regular election date for the city election is hereby changed from the first Tuesday after the first Monday in December of each year, to the first Tuesday after the first Monday in November of each even numbered year.

(Ord.94, passed 8-11-1976)

ADOPTING THE AUSTRALIAN BALLOT SYSTEM.

(A) Election of all city officers of the city shall be held and conducted under the so-called "Australian Ballot System" pursuant to and in accordance with Chapter 315 Laws of Minnesota for 1915, and all amendments thereto; the method of election shall continue and be in full force and effect until otherwise determined by ordinance, the city or City Council of the city.

(Ord. 13, passed 7-6-1908)

(B) Any person desiring to be a candidate for office at any annual election to be hereafter held in the city shall file with the City Clerk Treasurer an application to be placed on the ballot for the office, or application on behalf of any qualified voter of the municipality whom he or she desires to be a candidate may be made and filed by not less than five voters thereof; provided, service of a copy of the application shall be made on the candidate and proof of service endorsed on the application before filing. The application shall be filed with the City Clerk Treasurer not less than ten days before the election and shall be accompanied with a fee of \$2. There shall be no primary election, but the filing of the application shall be a pre-requisite to having the name of the candidate placed on the official ballot for the election.

(C) The ballot shall be printed on yellow-tinted paper, but without the facsimile of the signature of the County Auditor. The ballots shall contain no party designation of any candidates and the names of the candidates for each office shall be arranged on the ballot alphabetically according to the surnames of the candidates. The ballots shall be counted, tallied and preserved as in general elections, except that the City Clerk Treasurer shall be the final custodian of the ballots. A sample ballot shall be posted at the place of election at least two days before the election by the officer whose duty it is to prepare the ballot.

(D) All of the provisions of law now in force relating to offenses and penalties in connection with general elections are hereby made applicable to city elections.

(Ord. 33, passed 4-1-1937)

' **30.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

CHAPTER 31: CITY ORGANIZATIONS

Section

Departments

31.01 Volunteer Fire Department

Commissions

31.15 City Planning Commission

Boards

31.30 Park and Recreational Board

31.99 Penalty

DEPARTMENTS

31.01 VOLUNTEER FIRE DEPARTMENT.

(A) Officers.

(1) The Department shall consist of a Chief, two Assistant Chiefs and other officers as the Chief and the Department may deem necessary for the effective operation of the Department.

(2) The Chief shall be elected by the members of the Department for a period of one year, subject to the approval of the Council, and his or her tenure of office shall depend upon his or her good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command men and women and hold their respect and confidence. He or she shall be removed only for just cause and after a public hearing before the City Council.

(6) The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor

(3) The Assistant Chiefs and all of the Department and company officers shall be elected by the Department. The officers shall be accountable only to the Chief and subject to removal by a vote of the Department.

(B) Duties of the Chief.

(1) The Chief shall formulate a set of rules and regulations to govern the Department and shall be responsible to the City Council for the personnel, morale and general efficiency of the Department.

(2) The Chief shall, whenever possible, on the basis of once a month, conduct suitable drills or instruction in the operation and handling of equipment, first-aid and rescue work, salvage, a study of buildings in the city, fire prevention, water supplies and all other matters generally considered to good firefightership and safety of life and property from fire.

(3) The Chief is hereby required to assist the proper authorities in suppressing crime and arson by investigating or causing to be investigated the cause, origin and circumstance of all fires.

(4) The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.

(5) Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the Chief of the compliance.

equipment, personnel and other information about the work of the Department.

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(7) The Chief shall report, if requested by the City Council, condition of the apparatus and equipment, the number of fires during the month, their location and cause, date of same and loss occasioned thereby, the number and purpose of all other runs made, the number of members responding to each fire or other run and any changes in membership.

(8) The Chief shall make a complete annual report to the City Council within one month after the close of the fiscal year, the report to include the information specified in division (B)(7) above, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

(C) Membership.

(1) (a) The membership of the Department shall consist of not more than 25 persons, including officers, and shall be able-bodied male/female citizens residing within two miles of the city limits of Bagley; provided: however, that five members of the Department may live within five miles of the stop lights in the city if they hold a daytime job in the city and are available for Fire Department duty.

(b) If more than five Department members are living or will be living in the five-mile area, the member with the least seniority must resign from the Department. When another Department member retires or leaves the Department, the member that was forced to resign, as per the previous sentence, will be given first consideration in rejoining the Department, providing he or she meets the Department=s requirements.

(c) Determination of whether candidates for appointment are able-bodied shall be made by the Chief after a medical and physical examination has been made in the manner prescribed by the Chief and approved by the Department.

(2) Any member of the Department may be

(6) No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having special permission, of an officer or authorized member of the Department.

suspended or discharged from the Department by a two-thirds vote of its memberships at any time it may deem the action necessary for the good of the Department. On written request by the member to the City Council, he or she shall be given a public hearing on the charges brought by the Department.

(3) All vacancies in the Department shall be filled by a vote of the Department members on the candidates as have made written applications for membership. The application shall be made in writing to the Chief.

(4) All members shall be compensated on a schedule prescribed by the City Council.

(D) Equipment.

(1) The Department shall be equipped with the apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

(2) Recommendations of apparatus and equipment needed shall be made by the Chief and, after approval by the Department, shall be purchased in such manner as may be designated by the City Council.

(3) All the equipment of the Department shall be the property of the city and shall be safely and conveniently housed in those places as may be designated by the City Council. The places shall be heated during the winter seasons.

(4) Suitable arrangement for equipment shall be provided for citizens to turn in an alarm and for notifying all members of the Department so they may promptly respond.

(5) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully or without proper authority take away or conceal any article used by the Department.

(7) The city is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies to provide the members of the communities with fire protection or to

establish a mutual aid system.

(8) No apparatus shall be hired out or permitted to leave the city, except in response to a call for aid at a fire in a neighboring community, without the consent of the Chief. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with division (D)(7) above, and in other cases only when the absence of the equipment will not jeopardize protection in this city and contracted areas.

(E) *General.*

(1) All motor equipment and all personal cars of Department members shall have right-of-way over all other traffic when responding to an alarm.

(2) Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car.

(3) No person shall drive any vehicle over a fire hose except upon specific orders from the Chief or other officer in charge where the hose is used.

(4) No person shall park any vehicle or otherwise cause any obstruction to be placed within ten feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten feet of any fire hydrant or cistern.

(5) No unauthorized vehicle shall follow within 600 feet of any apparatus belonging to the Department, nor park any vehicle within 300 feet of a fire to which fire equipment has been called.

(6) No person shall maliciously turn in, or cause to be turned in, a false alarm.

(F) *Enforcement.*

(1) All regularly elected members of the
(1) The Planning Commission shall consist of seven members. Four members shall be appointed by the City Council and may be removed by a four-fifths vote of the Council; the City Engineer and the City Attorney shall be members ex officio; and the Council shall select one member of the Commission from among its own members.

Department are hereby given the necessary special police powers for the purpose of enforcing the provisions this section.

(2) It is hereby made the special duty of the Chief of Police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the Department in the protection of life and property in regulating traffic, maintaining order and enforcing observance of all divisions of this section.

(G) *Special officers.*

(1) The Department may elect a President, Vice-President, Secretary and Treasurer, to be known as Social Officers. The officers may be elected in any manner and for any term the membership may determine, and their duties shall be to arrange for and manage any or all social functions sponsored by the Department.

(2) The functions and duties of the Social Officers shall in no way interfere with those of the regular Department officers, who are charged with the responsibility for all fire service activities of the Department.

(Ord. 59, passed 6-7-1956; Ord. 152, passed 12-11-2001) Penalty, see ' 31.99

COMMISSIONS

' 31.15 CITY PLANNING COMMISSION.

(A) *Establishment of Commission.* A city Planning Commission for the city is hereby established.

(B) *Composition.*

(2) Of the members of the Commission first appointed, one shall be appointed for the term of one year, one for the term of two years, one for the term of three years and one for the term of four years. Their successors shall be appointed for terms of four years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex officio members shall

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correspond to their respective official tenures. 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. All members shall serve without compensation.

(C) And the like.

(1) The Commission shall elect a Chairperson from among its appointed members for a term of one year; and the Commission may create and fill other offices as it may determine. The City Clerk Treasurer shall act as Secretary of the Planning Commission, but he or she shall not be a member unless he or she is appointed by the Council as its member representative, as provided in division (B) above.

(2) 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 January 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.

(D) Adoption of program of work.

(1) Upon the appointment and organization of the Commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program will include:

(a) An outline of data and information to be assembled as a basis for the city plan;

(2) An attested copy of the plan or of any section, amendment or addition to the city plan adopted by the Planning Commission shall be certified to the City Council.

(G) Means of executing plan.

(1) Upon the adoption of the city plan or any section thereof, it shall be the duty of the Planning

(b) An outline of subjects to be covered by the city plan; and

(c) An outline of types of procedures to make the city plan effective.

(2) The Planning Commission may, by resolution, revise its program of work from time to time.

(E) Preparation of city plan. It shall be the function and duty of the Planning Commission to prepare and adopt 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 similar developments, the use of property, the density of population and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work.

(F) Procedure for adoption of plan.

(1) Before adopting the city plan, any section of it or any substantial amendment, there shall be at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The adoption of the city plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of not less than two-thirds of its total membership. The Commission may, from time to time, amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that the amendment or addition is necessary.

Commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or section thereof 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 the funds thereof relating to the subjects of the city plan.

(2) The means shall 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 expenditure and other matter as will accomplish the purposes of this section.

(Ord. 70, passed 10-25-1966)

BOARDS

' 31.30 PARK AND RECREATIONAL BOARD.

(A) Pursuant to the provision of M.S. ' 412.501, there is hereby established a Park and Recreational Board consisting of seven members. Three members who are residents of the City of Bagley and two members who may or may not be residents of the City of Bagley shall be appointed by the Mayor with Council approval. Members shall serve three-year overlapping terms except for the initial Park and Recreational Board. To start with, one member shall be appointed until December 31, 2010, two members shall be appointed until December 31, 2009 and two members shall be appointed until December 31, 2008. In addition, two Council members, appointed by the Mayor, to serve at large who will not be voting members.

(B) (1) The city Clerk/Treasurer shall be Secretary of the Park and Recreational Board.

(2) The Park and Recreational Board shall elect a Chairman and a Vice-Chairman who shall not be a Council Member. The City Clerk/Treasurer shall be Chairman of the initial meeting of the Park and Recreational Board.

(3) The Park and Recreational Board will meet regularly on the fourth Tuesday of each month at **' 31.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person violating the provisions of ' 31.01(D)(5) and (E)(1) through (6) shall be guilty of a misdemeanor and upon conviction thereof shall be

6:30 p.m. or at such other times agreed upon. Compensation to be \$25 per meeting. Notice of meetings to be the same as for Council meetings.

(C) The Park and Recreational Board shall advise the City Council in all matters relating to parks, including, but not limited to, the following:

(1) Plan and develop programs and activities within the corporate city limits on property under the custody and management of the city or on other public property under custody of another public corporation, body or board with the consent of that corporation, body or board or on private property with the consent of its owners.

(2) Develop schedules of hours and fees, if any, for the use of park facilities within the city.

(3) Study possible government and private foundation grants available for acquisition and development of park facilities.

(4) Develop plans for improvement and betterment of existing facilities.

(5) Develop plans for acquisition of additional facilities.

(6) Coordinate recreational park activities with other community organizations and groups.

(7) Promote public interest and understanding of the city=s parks and activities.

(8) Meet and keep a public record of its resolutions, findings and determinations.

(Ord. 164, passed 7-8-2008)

punished by a fine of not more than \$100 or, in default of the payment, by imprisonment for not more than 90 days.

(Ord. 59, passed 6-7-1956)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

32.01	Policy and purpose	
32.02	Definitions	(B) To provide for the exercise of necessary powers during emergencies and disasters;
32.03	Establishment of emergency management organization	
32.04	Powers and duties of Director	(C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and
32.05	Local emergencies	
32.06	Emergency regulations	
32.07	Emergency management a government function	
32.08	Participation in labor disputes or politics	(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.
32.99	Penalty	

' 32.01 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;

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

' 32.02 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.

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 Acivil 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.

' 32.03 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 City Council for an indefinite term and may be removed by the Council 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 Council.

' 32.04 POWERS AND DUTIES OF DIRECTOR.

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

' 32.05 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 Clerk Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional 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 ' 32.99

' 32.06 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 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 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 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 ' 32.99

**' 32.07 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 or under the workers= compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

**' 32.08 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.

' 32.99 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.

CHAPTER 33: PROGRAMS, POLICIES, PLANS AND THE LIKE

Section

Defer Payment of Special Assessments for Senior Citizens and Retired Disabled Homeowners

- 33.01 Special assessment deferral
- 33.02 Eligibility
- 33.03 Interest
- 33.04 Termination of deferred status
- 33.05 Filing for deferred status
- 33.06 Effective date

DEFER PAYMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS AND RETIRED DISABLED HOMEOWNERS

' 33.01 SPECIAL ASSESSMENT DEFERRAL.

Pursuant to M.S. ' ' 435.193 through 435.195, as it may be amended from time to time, senior citizens and retired disabled homeowners may defer special assessments levied against homestead property owned by the applicant if the criteria set forth in ' ' 33.02 through 33.05 are met by the applicant. (Ord. 163, passed 11-16-2007)

' 33.02 ELIGIBILITY.

Any person 65 years of age or older or totally and permanently disabled, for whom it would be a hardship to make the payments, may request the deferment of special assessment levied against real property for public improvements if the following conditions are met.

' 33.04 TERMINATION OF DEFERRED STATUS.

(A) *Ownership.* The applicant must be the fee simple owner of the property or must be a contract vendee for simple ownership. A copy of the title document must be submitted at the time of making application.

(B) *Homestead.* The property must be the applicant=s principal place of domicile and classified on the county=s real estate taxes rolls as the applicant=s homestead.

(C) *Income.* The applicant=s gross income and gross income of all others with an ownership interest in the property may not exceed \$45,000 during the preceding year from the assessment levy. This division may be modified from time to time by resolution of the City Council.

(D) *Hardship.* The City Council may make a deferment based on the determination of hardship on the basis of exceptional and unusual circumstances not covered by the above standard and guidelines where the determination is made in a non-discriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants. (Ord. 163, passed 11-16-2007)

' 33.03 INTEREST.

All deferred special assessments shall be subject to and charged simple interest at the prevailing interest rate applicable at the time the assessment was originally levied. The interest shall be paid annually. (Ord. 163, passed 11-16-2007)

Special assessment payments deferred to the eligibility requirements set forth by this subchapter shall become payable effective upon the occurrence of one of

the following events.

(A) *Sale of property.* The subject property is sold, transferred or subdivided.

(B) *Death of owner.* The death of the owner provided that the spouse is otherwise not eligible for the benefits hereunder.

(C) *Non-homestead property.* The subject property loses its homestead status for any reason.

(D) *No hardship.* The City Council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment. (Ord. 163, passed 11-16-2007)

‘ **33.05 FILING FOR DEFERRED STATUS.**

An eligible applicant must file an application on or before September 15 of the year preceding the year for which deferred status is requested in order to implement the deferral program for the year. All deferral applications must be made on forms approved by the city and submitted to the County Assessor. (Ord. 163, passed 11-16-2007)

‘ **33.06 EFFECTIVE DATE.**

This subchapter becomes effective after its passage and publication according to law. (Ord. 163, passed 11-16-2007)

CHAPTER 34: PERSONNEL POLICY

Section

34.01 Personnel Policy; adopted by reference

' 34.01 PERSONNEL POLICY; ADOPTED BY REFERENCE.

The City of Bagley=s Personnel Policy, as amended, is hereby adopted by reference and incorporated herein as if set out in full. Copies are available through city offices.
(Ord. 76, passed 1-9-1968)

