

## CHAPTER 2. OPERATIONS AND ADMINISTRATION

### Part 1. The Council

#### 201.01 MEETINGS (10-2023)

Subd. 1. Regular Meetings. Regular meetings of the council shall be held on the first and third Tuesday of each calendar month at 6:00 p.m. Any regular meeting falling upon a holiday shall be rescheduled per council decision. All meetings, including special and adjourned meetings, shall be held in the city hall unless the council decides otherwise at a prior meeting, or meeting in the city hall is impossible

Subd. 2. Special Meetings. The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with state law.

Subd. 3. Initial Meeting. At the first regular council meeting in January of each year, the council shall:

- a. Designate the Depositories of City Funds;
- b. Designate the Official Newspaper;
- c. Choose one of the councilmembers as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;
- d. Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary;
- e. Establish and appoint council members to such council committees as are deemed appropriate for the efficient and orderly management of the city.

Subd. 4. Public Meetings. All council meetings, including special and adjourned meetings and meetings of council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

#### 201.02 PRESIDING OFFICER

Subd. 1. Who Presides. The mayor shall preside at all meetings of the council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order, Revised.

Subd. 3. Appeal Procedure. Any member may appeal to the council a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain the ruling, but no other council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present including the presiding officer.

201.03

**MINUTES**

Subd. 1. Who Keeps. Minutes of each council meeting shall be kept by the clerk or, in the clerk's absence, by the deputy clerk. In the absence of both, the presiding officer shall appoint secretary pro term. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

Subd. 2. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

201.04

**ORDER OF BUSINESS (10-2007)**

Subd. 1. Order Established. Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order

unless varied by the presiding officer:

- a. Call to Order
- b. Roll Call
- c. Additions to the Agenda
- d. Public Hearings
- e. Open Hearing to the public
- f. Consent Agenda
- g. New Business
- h. Old Business
- i. Adjourn

Subd. 2. Petitions and Agenda. Petitions and other papers addressed to the council shall be read by the clerk upon presentation of the same to the council. All persons desiring to present new business before the council shall inform the clerk thereof at least 72 hours before said new business is to be heard. The clerk may prepare an agenda of said new business for submission to the council on or before the time of the next regular meeting.

201.05

## **VOTING**

The votes of the members on any question may be taken in any manner, which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting."

201.06

## **ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS AND COMMUNICATIONS**

Subd. 1. Signing and Publication Proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by the clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached

and filed with the ordinance.

Subd. 2. Repeals and Amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

201.07      **SUSPENSION OR AMENDMENT OF RULES**

These rules may be suspended only by a two-thirds vote of the members present and voting.

201.08      **SALARIES OF MAYOR AND COUNCILMEMBERS (1-2005)**

Subd. 1. City Council Meetings. The salary of the Mayor shall be \$75.00 per regular City Council meeting or special City Council meeting which the Mayor attends. When the assistant Mayor acts as Mayor in the Mayor's absence, the assistant Mayor shall be paid the same rate as Mayor. The salary of each Councilmember shall be \$50.00 per regular City Council meeting or special City Council meeting which that particular Councilmember attends. (1-2005)

Subd. 2. Other Meetings. The Mayor and Councilmembers will periodically be required to attend city-related meetings other than regular or special City Council meetings, ("Other Meetings"). The salary for Other Meetings attended, by the Mayor shall be an amount equal to one half of the Mayor's pay for a regular City Council meeting, and the salary of each Councilmember shall be an amount equal to one half of the Councilmember's pay for a regular City Council meeting when these meetings are scheduled after business hours. When Other Meetings are scheduled during business hours, the Salary of the Mayor shall be an amount equal to the Mayor's pay for a regular City Council Meeting, and the salary of each Councilmember shall be an amount equal to the Councilmember's pay for a regular City Council meeting. Pay for Other Meetings shall be limited to one meeting per month for each type of "Other Meeting". (1-2005)

201.09      **TERM OF MAYOR AND COUNCILMEMBERS**

The mayor and all councilmembers shall serve for a period four years, commencing with the January meeting after their election and ending upon the swearing in of their successor four years later. Resignations or removal from office during the term and the appointment of successor members shall be done in accordance with applicable state law.

## **Part 2. Police Department**

### **202.01 ESTABLISHMENT**

Until such time as the City establishes a police department, the City may contract for police protection and all activities incidental thereto with such other law enforcement agency as the Council deems appropriate. 08-2008

## **Part 3. Fire Department**

### **203.01 FIRE DEPARTMENT**

There is continued in the city a volunteer fire department, which department shall have the following officers: a chief, an assistant chief, and a fire marshal.

### **203.02 SELECTION**

The chief of the fire department, the assistant chief, and the fire marshal shall be elected annually by the members of the department subject to confirmation by the Council. Each shall hold office for one year and until a successor has been duly elected, except that the Council may remove the officer for cause after a public hearing. New firefighters shall be appointed by the members of the department, subject to confirmation by the Council. Firefighters shall continue as members of the department during good behavior and may be removed by the Council only for cause after a public hearing.

### **203.03 DUTIES OF CHIEF**

The chief shall have control over all of the fire fighting apparatus and shall be solely responsible for its care and condition. The chief shall make a report, semi-annually; to the council at it's meeting in March and September, as to the condition of the equipment and needs of the fire department. The chief may submit additional reports and recommendations at any meeting of the council and shall report each suspension of a member of the fire department at the first meeting of the council following each suspension. The chief shall be responsible for the proper training and discipline of the members of the fire department, and may suspend any member for refusal or neglect to obey orders pending final action by the council on the discharge or retention.

### **203.04 DUTIES OF FIRE MARSHAL**

The office of fire marshal may be held by the chief or by the assistant chief, if the council approves. The fire marshal shall be charged with the enforcement of all laws aimed at fire prevention. The marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

203.05      **RECORDS**

The chief shall keep in convenient form a complete record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as the chief may deem advisable or as may be required from time to time by the council or state department.

203.06      **PRACTICE DRILLS**

It is the duty of the chief to hold a monthly practice drill of at least one-hour's duration for the fire department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

203.07      **ASSISTANT CHIEF**

In the absence or disability of the chief, the assistant chief shall perform all the functions and exercise all of the authority of the chief.

203.08      **FIREFIGHTERS**

The chief, the assistant chief, the fire marshal and all firefighters and probationary firefighters shall be not be less than 18 nor more than 65 years of age and able-bodied. They shall become members of the fire department only after a 12-month probationary period. The council may require that each candidate, before becoming a probationary firefighter, must satisfy certain minimum qualifications, which may be specified by the council; and that the candidate must pass a satisfactory physical examination.

203.09      **LOSS OF MEMBERSHIP**

Firefighters absent from three consecutive drills or calls, unless excused by the chief,

shall forfeit membership in the department.

203.10      **COMPENSATION**

Compensation shall be established by the council.

203.11      **PRESENT MEMBERS**

Persons who have been members of the fire department for at least one year at the time of the adoption of this code section shall not be required to serve a probationary period before receiving firefighter's rating.

203.12      **INTERFERENCE WITH DEPARTMENT**

It is unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the chief at a fire, or to interfere with the fire department in the discharge of its duties. Unlawful interference shall include the following of a fire truck when its siren and emergency lights are in operation, closer than 500 feet, by persons not on official city business.

203.13      **JOINT POWERS FIRE DEPARTMENT BOARD**

Pursuant to Minn. Stat. 471.59, the city is authorized to enter an agreement with another governmental unit to cooperatively exercise any powers in common, including the establishment of a joint powers board. The city is hereby specifically authorized, as a party to a written agreement, to delegate all powers enumerated in this chapter, and any other powers afforded by law, to a joint powers board for purposes of establishing and operating a joint fire and rescue department.

203.14      **INTERNATIONAL FIRE CODE (7-2005)**

Subd. 1.      That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Shafer, being marked and designated as the International Fire Code, as published by the International Code Council, be and is hereby adopted as the code of the City of Shafer for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and providing for the issuance of permits for hazardous uses or operations; and each and all of the

regulations, provisions, conditions and terms of such International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made apart hereof as if fully set out this ordinance.

Subd. 2. That the following sections are hereby revised:

Section 101.1 Insert: “City of Shafer”

Section 109.3 Insert: “Misdemeanor; \$1,000.00 fine or 90 days in jail, or both.”

Section 111.4 Insert: “1,000.00”

Subd. 3. That the geographic limits referred to in certain sections of the 2000 International Fire Code are hereby established as follows:

Section 3204.3.1.1 (City and Joint Powers Board need to establish the geographical boundaries in which the storage of flammable cryogenic fluids in stationary containers is prohibited – **IN THE CITY OF SHAFER, THE BOUNDARIES WOULD BE THE CITY BOUNDARIES**)

Section 3404.2.9.5.1 (City and Joint Powers Board need to establish the geographical boundaries in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited).

Section 3406.2.4.4 (City and Joint Powers Board need to establish the geographical boundaries in which the storage of Class I and Class II liquids in aboveground tanks is prohibited).

Section 3804.2 (City and Joint Powers Board need to establish the geographical boundaries in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas).

Subd. 4. That any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Subd. 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Shafer hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

203.15 **DEPARTMENT OF FIRE PREVENTION**

Subd. 1. General. The department of fire prevention is established within the



jurisdiction under the direction of the Fire Inspector. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

Subd. 2. Appointment. The Fire Inspector shall be appointed by the City Council.

Subd. 3. Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Fire Inspector shall have the authority to appoint a deputy Fire Inspector, other related technical officers, inspectors and other employees.

Subd. 4. Liability. The Fire Inspector, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Subd. 4.1. Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Fire Inspector or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

203.16

## **GENERAL AUTHORITY AND RESPONSIBILITIES**

Subd. 1. General. The Fire Inspector is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

Subd. 2. Applications and permits. The Fire Inspector is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Subd. 3. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the Fire Inspector has reasonable cause to

believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the Fire Inspector shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Fire Inspector by this code. If such building or premises are occupied, the Fire Inspector shall present credentials to the occupant and request entry. If such building or premises are unoccupied, the Fire Inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Inspector has recourse to every remedy provided by law to secure entry. The Fire Inspector may be accompanied by a representative of the Shafer/Franconia Fire and Rescue during inspections.

Subd. 3.1. Warrant. When the Fire Inspector has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the Fire Inspector for the purpose of inspection and examination pursuant to this code.

Subd. 4. Identification. The Fire Inspector shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Subd. 5. Notices and orders. The Fire Inspector is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with sections 109.1 and 109.2.

Subd. 6. Official records. The Fire Inspector shall keep official records as required by Sections 203.16, Subd. 6.1 through 6.3. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

Subd. 6.1. Inspections. The Fire Inspector shall keep a record of each inspection made, including notices and orders issued, showing the findings and dispositions of each.

Subd. 6.2. Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the Fire Inspector.

Subd. 6.3. Administrative. Application for modification, alternative methods or materials and the final decision of the Fire Inspector shall be in writing and shall be officially recorded in the permanent records of the Fire Inspector.

Subd. 7. Approved materials and equipment. All materials, equipment and devices

approved by the Fire Inspector shall be constructed and installed in accordance with such proposal.

203.17

## **INSPECTIONS**

Subd. 1. Inspection authority. The Fire Inspector is authorized to enter and examine any building, structure, marine vessel, vehicle, or premises in accordance with Section 203.16, Subd. 3 for the purpose of enforcing this code in the Commercial districts, multi-family residential property and single-family residential property with licensed child care.

Subd. 2. Inspections. The Fire Inspector is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The Fire Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

Subd. 3. Concealed work. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Fire Inspector shall have the authority to require that such work be exposed for inspection.

Subd. 4. Fees. In the event the Fire Inspector is required to inspect a Property on three or more occasions within a one-year period, the owner of the Property shall pay an inspection fee in the amount of the actual time spent by the Fire Inspector multiplied by the hourly rate as set forth in the current city fee schedule. (05-2006)

203.18

## **PURPOSES AND INTENT (01-2008)**

### Subd. 1. PURPOSES AND INTENT (01-2008)

This ordinance is adopted for the purpose of authorizing the City of Shafer to charge for fire service as authorized by Minn. Stat. 366.011, 366.012 and 415.01.

### Subd. 2. DEFINITIONS (01-2008)

- (A) "Fire Service" means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication and any other services related to

fire and rescue as may occasionally occur, including “first response” deployment.

- (B) “Fire service charge” means the charge imposed by the City for receiving fire service.
- (C) “Motor vehicle” means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.
- (D) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.
- (E) “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.
- (F) “Joint Powers Agreement” means agreements between the City and other municipalities as may be entered into as authorized by law.

Subd. 3. PARTIES AFFECTED (01-2008)

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.
- (C) Owners of property in towns or cities which the City provides fire service pursuant to a fire protection contract.
- (D) Department of Natural Resources.
- (E) Any other entity or government unit pursuant to which fire services are connected.

Subd.4. RATES (01-2008)

- (A) Residential calls \$ 500.00
- (B) Commercial calls \$1,000.00
- (C) First responder A minimum of \$100.00, maximum \$500.00 depending on the nature of the call and the equipment used.

Subd. 5. BILLING AND COLLECTION (01-2008)

- (A) Parties requesting and receiving fire services and subject to this ordinance may be billed directly by the City upon receipt by the City of notice of the fire service provided, which fire service the City is to provide by fire protection contract, mutual aid agreement, joint powers agreement or other law. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by

insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

- (B) Parties billed for a fire service will have ninety (90) days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms will not be billed as a fire call unless there has been a prior false alarm within the preceding four months, in which case the charge will be one-half.

Subd. 6. MUTUAL AID AGREEMENT (01-2008)

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will first be determined by the Mutual Aid Agreement.

Subd. 7. APPLICATION OF COLLECTIONS TO BUDGET (01-2008)

All collected fire charges will be paid according to any Mutual Aid Agreement if the fire services were provided pursuant to a Mutual Aid Agreement, to any Joint Powers Board if said fire services were provided pursuant to a Joint Powers Agreement, or to the City if provided otherwise.

Subd. 8. EFFECTIVE DATE (01-2008)

This ordinance shall become effective upon its publication.

## Part 4. Planning Commission

### 204.01 ESTABLISHMENT OF COMMISSION

A city planning commission for the city of Shafer is established. The commission shall be the city planning agency authorized by Minn. Stat., Section 462.354, Subdivision 1.

### 204.02 COMPOSITION (04-2004)

Subd. 1. Membership. The planning commission shall consist of five individual members from the resident population of the city to be appointed by the mayor with the approval of the council, with the exception that no more than two of the five members may be nonresident owners of property in the City. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absence from any three meetings in a year, unless excused in advance by the chair, constitutes a vacancy. In the event of any vacancy, the mayor, with the approval of the council, shall appoint a person to complete the unexpired term.

No more than two current council members, or no more than one current council member and the city clerk, may be appointed by the Mayor with council approval, for one-year term to expire on December 31 of each year.

Other persons may serve in an ex officio capacity as the council may in its discretion deem appropriate.

Each of the five regular planning commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the city council upon written charge and after public hearing.

Subd. 2. Voting and Removal. Each of the five regular voting Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City council upon written charge and after public hearing.  
(1-2005)

Subd. 3. Pay. Each Planning Commission member shall be paid at one-half the rate of regular Council meeting pay, or if the Mayor serves as a Commission member, then the Mayor shall be paid at one-half the rate of regular Mayor meeting pay. With the exception of a special meeting requested by and paid for by an outside person such pay shall be limited to one meeting per month. (1-2005)

204.03

### **ORGANIZATION, MEETINGS, ETC.**

At the first regular meeting in January, the commission shall elect a chairman, a vice chairman, and a secretary from among its appointed members, each for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall hold such meeting each month at such time and place as they may fix by resolution. Special meetings may be called at any time by the chairman, or in case of the chairman's absence by the vice chairman. Written minutes of meetings shall be kept and filed with the clerk prior to the next regularly scheduled council meeting, but shall be subject to approval at the next planning commission meeting.

No expenditures by the commission shall be made unless and until authorized for the purpose by the council.

204.04

### **DUTIES AND POWERS OF THE COMMISSION, COMPREHENSIVE PLAN**

Subd. 1. Plan. The planning commission shall have the powers and duties given city planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the planning commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements, and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to the comprehensive plan program. After the commission has prepared and adopted the comprehensive plan, it shall annually review the comprehensive plan and any ordinances or program implementing the plan.

Subd. 2. Means of Executing Plan. Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the planning commission to recommend to the council reasonable and practicable means for putting into effect such 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 judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the planning commission by the council.

Subd. 3. Zoning Ordinance. The planning commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the council as may be prescribed by the zoning ordinance.

Subd. 4. Special Permits. The planning commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance. The

commission shall report its recommendations to the council for action.

Subd. 5. Subdivisions. The planning commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the commission shall report its recommendations to the council for action.

Subd. 6. Capital Improvement Program. The planning commission shall endeavor to obtain from city officers a descriptive list of proposed improvements for the ensuing five-year period. The planning commission shall also request from the local school district a similar list of its proposed public works.

The planning commission shall list and classify all such proposed public works and shall prepare a coordinated program of proposed public works for the ensuing year and for a projected five-year period. Such program shall be recommended by the planning commission to the council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of such public works.

204.05

#### **VARIANCES**

All applications for variances shall be referred to the planning commission and forwarded with or without recommendations directly to the council for its decision.



## Part 5. Parks Commission

### 205.01 PARKS COMMISSION (1-2005)

Subd. 1. Establishment. There is hereby created a parks commission (“commission”) that upon the passage and publication of this ordinance will be successor to the current parks committee, which is hereby abolished.

Subd. 2. Powers. The commission will have the powers necessary to carry out the functions and duties set forth in this section.

Subd. 3. Function.

- a. The commission must advise the City Council and other advisory commissions regarding matters relevant to the park, open space and recreation function, including, but not limited to, the expansion of and plans for the development of City Park, trails and recreational facilities.
- b. The commission must monitor and reflect the attitudes and concerns of the citizens of Shafer relative to the park and open space system and programs and advise the City Council of citizen attitudes and policy matters relevant to the park, trails open space and related needs in the City.

Subd. 4. Duties. The commission, with the assistance of City staff, must;

- a. Develop and recommend to the City Council, and upon the Council’s adoption, monitor the execution of a comprehensive plan and park open space classification system for park and park facilities in the city and make recommendations for changes it deems necessary.
- b. Annually report to the City Council regarding achievements toward fulfillment of the comprehensive plan and recommend amendments to the comprehensive plan.
- c. Frequently visit city parks and keep informed of current park use in order to continually review and evaluate the park and open space development and related programming.
- d. Develop and recommend methods to stimulate positive public interest in park, park facilities and related programs.
- e. Develop and recommend feasible methods of discouraging vandalism and destruction of city parks.
- f. Develop and recommend feasible methods of financing city park improvements.
- g. Serve as a forum for the citizens of the city to voice opinions regarding open space acquisition, park and related activities.
- h. Promote coordination with the school district serving the Shafer, Taylors Falls and Chisago Lakes area, encouraging the interchangeable use of city and school district facilities and programs to the best interest of citizens of the

- city.
- i. encourage dissemination of information to and coordinate with city organizations interested in the park and involvement such as garden clubs, athletic groups and civic organizations.
  - j. Encourage coordination with other communities and agencies in matters beneficial to the park and related functions.
  - k. Develop and transmit recommended capital improvements annually to the City Council for inclusion in the capital improvements program.
  - l. Review and make recommendations to the City Council on development proposals, consistent with adopted policies, ordinances, regulations and the comprehensive plan.
  - m. Review and recommend items to be included in the park annual budget.

Subd. 5. Membership.

- a. The commission will be composed of seven members appointed by the council, one of whom must be an elected member, and no more than two of whom may be elected members, of the City Council. **(02-2012)**
- b. With the exception of the council member(s), the members of the commission will be appointed upon majority consent of the council for staggered terms of three years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term which their predecessor was appointed may be appointed only for the remainder of the term. Upon expiration of term of office, the member will continue to serve until a successor is appointed and qualified. Members of the former parks committee currently in office at the time of passage of this ordinance may continue to serve on the successor commission until the expiration of their current term, and the number of commissioners reduced to five through attrition.
- c. A council member must be appointed annually by the council.
- d. At least five members of the commission must be residents of the City while serving on the commission and should represent a broad range of interests in the park, open space and related functions. Non-resident members may serve, if there are no residents interested. **(02-2012)**
- e. Commissioners shall receive compensation at one-half the per meeting pay received by City Council members. If the Mayor serves as a Commission member, then the Mayor shall be paid at one-half the rate of regular Mayor meeting pay. With the exception of a special meeting requested by and paid for by an outside person, such pay shall be limited to one meeting per month.

Subd. 6. Officers and Meeting.

- a. The commission must hold one regular meeting each month at the Shafer City Hall. **(02-2018)** The chairperson may cancel any regular meeting if the chairperson determines that is not sufficient meaningful business to conduct at a meeting. A majority constitutes a quorum for the transaction of business.

- b. The commission must adopt rules and procedures consistent with these provisions and as may be necessary for the proper execution.
- c. At the beginning of each calendar year, the commission must select a chairperson. The chairperson may be removed with the majority vote of the commission. The chairperson must:
  - (1) Preside over meetings of the commission.
  - (2) Appear or appoint a representative to appear as necessary before other city advisory commissions and the City Council to present the viewpoint of the commission on matters pertaining to park, open space and other functions as they relate to business under consideration by the commissions or City Council.
  - (3) Provide the liaison with other governmental and volunteer units in matters relating to the park, open space and recreation function for the purpose of obtaining and providing timely information.
- d. A vice chairperson must also be appointed annually by the commission. The vice-chairperson must perform the duties assigned by the chairperson and must assume the responsibilities of the chair in absence of the chairperson.
- e. A secretary must also be appointed annually by the commission. The secretary must perform the duties assigned by the chairperson and must assume the responsibilities of keeping records, preparing and keeping meeting minutes, maintain commission files and submitting regular monthly reports to the City Council at least three days prior to the council meeting.

## **Part 6. Personnel Policy**

### **206.01 ESTABLISHMENT**

The city council shall adopt a personnel policy for the purpose of establishing a uniform and equitable system of personnel administration for employees of the city. The policy shall be reviewed on an annual basis and amended as determined by the city council. A copy of the current personnel policy shall be on file for review at the city clerk's office.

## **Part 7. Abandoned and Junked Property**

### **207.01 PURPOSE**

Junked motor vehicles, junked appliances, and discarded furniture constitute: (1) a hazard to the health and welfare of the people of the City in that they can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens; (2) a blight on the landscape of the City and are, therefore, detrimental to the environment; and (3) a waste of a valuable source of useful metal, in the case of junked motor vehicles and appliances, and discarded furniture within the City be eliminated and that future accumulation thereof be prevented.

### **207.02 DEFINITIONS**

As used in this ordinance, the terms defined in this section shall have the meanings given to them in this section.

1. “Junked Motor Vehicle” is (a) an unlicensed motor vehicle; (b) a motor vehicle lacking vital component parts, including motor vehicles with pioneer, classic car, collector or street rod license; (c) a motor vehicle which is in an inoperable condition, including motor vehicles with pioneer, classic car, collector or street rod license; (d) a motor vehicle which has remained for a period of more than 48 hours on public property without the consent of the person in control of such property; (e) a motor vehicle voluntarily surrendered by its owner and accepted by the City; or (f) a “junked vehicle” as defined in Minnesota Statute section 168B.011, Subd.3.
2. “Junked Appliance” is a household appliance lacking vital component parts or in an inoperable condition.
3. A vehicle shall not be a “junked motor vehicle” and an appliance shall not be a “junked appliance”, as defined in this section when kept:
  - a. In an enclosed garage or storage building.
  - b. On the premises of a junkyard or motor vehicle or appliance repair business when such junkyard or business is maintained and/or licensed in accordance with Minnesota Statutes or with local ordinances and zoning regulations, and in the case of a repair business, each such motor vehicle or appliance is being actively and consistently worked on and is being maintained or stored in an area screened from public view by an appropriate fence; or

- c. In an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.
- 4. “Discarded Furniture” means an item of furniture originally intended for use within the interior of a building but left or stored out-of-doors.
- 5. “City” means the City of Shafer, Minnesota.
- 6. “Vital Component Parts” means those parts of a motor vehicle or appliance that are essential to its mechanical functioning.
- 7. “Person” means any natural person, firm, partnership, association, corporation, company, or organization of any kind.
- 8. “Private Property” means any real property within the City, which is privately owned, and which is not public property as defined in this section.
- 9. “Public Property” means any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.
- 10. “Officer Charged With Enforcement” means the individual authorized by the City Council to enforce the terms of the nuisance ordinance as defined in Section 901.16 of the City Code.

207.03 **NUISANCE**

The presence of any junked motor vehicle, junked appliance, discarded furniture, or parts thereof on private or public property is a public nuisance which may be abated as such in accordance with the provisions of Section 901.16 of the Shafer City Code.

207.04 **PUBLIC PROPERTY**

No person shall park, leave or permit the parking, storing or leaving of any junked motor vehicle, junked appliance, or discarded furniture of any kind, whether attended or not, upon any public property within the City.

- 1. Whenever any Officer Charged with Enforcement of the Shafer City Code finds any junked motor vehicle, junked appliance, or discarded furniture on public

property within the City, such Officer is authorized to provide for the removal thereof to a place of safety.

2. Any junked motor vehicle, junked appliance, or discarded furniture which causes a hazard to traffic may be removed at any time under the direction of authorized law enforcement personnel.

207.05

### **PRIVATE PROPERTY**

No person owning, in charge of, or in control of any real property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junked motor vehicle, junked appliance or discarded furniture of any kind to remain on such property longer than ninety-six (96) hours.

1. Notice of Violation. Whenever it comes to the attention of the Officer Charged with Enforcement that any person has any junked motor vehicle, junked appliance, or discarded furniture on such private property, a written Notice of Violation shall be served upon such person by the Officer Charged with Enforcement or other city official requesting the removal thereof in the time specified in this ordinance.
2. Responsibility for Removal. Upon proper notice, an owner of the junked motor vehicle, junked appliance or discarded furniture, and the owner or occupant of the private property on which the same is located, shall be responsible for its removal, jointly and severally.
3. Notice Procedure. The Notice of Violation to the owner or occupant of the private property where the nuisance is located shall be served as provided under Section 901.16, Subd. 6, 1, a. of this ordinance.
4. Additional Content of Notice of Violation. Any Notice of Violation served pursuant to this Part 7 of Chapter 207 of the Shafer City Code shall, in addition to other requirements, contain a request for removal within ten (10) days after the mailing of such notice. The Notice of Violation shall further advise that failure to comply with such notice shall be a violation of this ordinance.

207.06

### **PENALTY**

Any person who violates the provisions of this ordinance shall be subject to the penalty provision in Section 901.156 Subd. 8 of this ordinance. Each day shall constitute a separate and distinct violation.

207.07      **CONFLICTING PROVISIONS**

If any provision of this Part 7 of Chapter 207 of the Shafer City Code conflicts with any other provision of Section 901.16, this Part 7 shall control.

207.08      **OTHER PROVISIONS**

All abandoned or junk vehicles, as defined by Minnesota Statutes Section 168B.011, which are impounded by the City, shall be dealt with as provided in Minnesota Statutes Chapter 168B, unless otherwise addressed in this Section.

**Part 8. Employment Background Checks (07-2009)**



208.01 **APPLICANTS FOR CITY EMPLOYMENT – PURPOSE**

The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s Computerized Criminal History information for specific non-criminal purposes of employment background checks for all regular part-time or full-time employees of the City of Shafer and other positions that work with children or vulnerable adults.

208.02 **CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS**

The Chisago County Sheriff’s Department, as the contracted law enforcement agency for the City of Shafer, is hereby required to do a criminal history background investigation on the applicants for all regular part-time or full-time employees of the City of Shafer and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation in order to screen employment applicants, the Sheriff’s Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sheriff’s Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Sheriff’s Department to the hiring authority, including the City Council, the City Clerk, or other staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Sheriff’s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions on Minnesota Statute Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment on the basis of the applicant’s prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant’s request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**PART 9. LICENSE BACKGROUND CHECKS (07-2009)**

209.01 **APPLICANTS FOR CITY LICENSES-PURPOSE**

The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specific non-criminal purposes of licensing background checks.

209.02

## **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS**

The Chisago County Sheriff's Department, as the contracted law enforcement agency for the City of Shafer, is hereby required, to do a criminal history background investigation on the applicants for the following licenses within the city:

- Applicants for liquor licenses
- Applicants for peddlers licenses
- Applicants for tobacco licenses
- Applicants for gambling licenses

In conducting the criminal history investigation in order to screen license applicants, the Sheriff's Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sheriff's Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Sheriff's Department to the licensing authority, including the City Council, the City Clerk, or other city staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Sheriff's Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statute Chapter 13 regarding the collection, maintenance and use of the information. Except for the provisions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**PART 10. ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

210.01      **ESTABLISHMENT OF COMMITTEE**

A city economic development authority for the city of Shafer is established. The authority shall be the city economic development agency authorized by Minnesota Statutes Chapter 469.091.

210.02      **COMPOSITION (08-2005)**

Subd. 1. Membership. The management of all of the affairs, property and business of the EDA shall be vested in a Board of Commissioners, consisting of five (5) persons (12-2015). At least one (1) council member, one (1) member of the planning commission, and not more than three (3) non-resident property owners from the boundaries of the comprehensive plan shall serve as commissioners of the EDA.

Council representative terms shall concur with council terms of office, and may not exceed six years without formal reappointment. Thereafter all commissioners with the exception of City Council members shall be appointed for four year terms.

The officers of the commission shall be a Chairperson, Vice Chairperson, Secretary and Treasurer. The City-Treasurer shall serve as the Treasurer and as an ex-officio member of the Board of Commissioners. All officers shall be elected to a one year term. They shall hold office until their successors are elected and qualified. The Chairperson, Vice Chairperson and Secretary shall be members of the Board of Commissioners.

Subd. 2. Voting and Removal.

Each of the five regular EDA members shall have equal voting privileges. Any member may be removed for cause by majority vote of the city council upon written charge and after public hearing.

Subd. 3. Pay. Each EDA member shall be paid at one-half the rate of regular Council meeting pay, or if the Mayor serves as a Commission member, then the Mayor shall be paid at one-half the rate of regular Mayor meeting pay. With the exception of a special meeting requested by and paid for by an outside person such pay shall be limited to one meeting per month.

210.03

**ORGANIZATION, MEETINGS, ETC. (7-2023)**

At the first regular meeting in January, the commission shall elect a chairperson, a vice chairperson, and a secretary from among its appointed members, each for a term of one year; and the commission may create and fill such other offices as it may determine. The commission shall hold such meeting each month at such time and place as they may fix by resolution. Special meetings may be called at any time by the chairperson, or in case of the chairperson's absence by the vice chairperson. Written minutes of meetings shall be kept and filed with the clerk prior to the next regularly scheduled council meeting, but shall be subject to approval at the next EDA meeting.

Meetings of the Board of Commissioners shall be held the second Tuesday of each

month at 6:00 p.m. other “ad hoc” meetings, may be called for by at least two members of the Board. At least three (3) days’ notice of such meetings shall be given to the Commissioners. Said meetings shall also be posted pursuant to Open Meeting Law.

Any Commissioner who is absent from three (3) consecutive duly called meetings of the EDA shall be deemed to have resigned unless the absentee provides a satisfactory explanation to the Chairperson and the Chairperson so notes such explanation in the records of the EDA.

Commissioners and offices shall be entitled to reimbursement for all reasonable travel and related expenses incurred in the performance of duties on behalf of the EDA with prior approval. Schedules of reimbursable expenses shall be established by the EDA from time to time.

No expenditures by the commission shall be made unless and until authorized for the purpose by the council.

210.04 **DUTIES AND POWERS OF THE EDA**

- Subd. 1. The EDA may exercise all of the powers contained in the Enabling Act, Minnesota Statutes, Chapter 469.
- Subd. 2. The EDA may exercise all of the powers contained in the Housing Act, Minnesota Statutes, Chapter 462.
- Subd. 3. The EDA may exercise all of the powers of an Agency contained in the Development Act, Minnesota Statutes, Chapter 472A.
- Subd. 4. The EDA may exercise all of the powers of a redevelopment agency contained in the Industrial Bond Act, Minnesota Statutes, Chapter 474.
- Subd. 5. The EDA may exercise all of the powers of a city contained in the Housing Finance Act, provided it is authorized to do so by ordinance of the City Council pursuant to Section 462C.02, Subdivision 6 of the Housing Finance Act.
- Subd. 6. The EDA may exercise such powers as may be contained in other laws applicable to economic development authorities or housing and redevelopment authorities not specifically described herein.

**PART 11. EVENTS COMMITTEE (04-2018)**

211.01 **EVENTS COMMITTEE**

Subd. 1. Establishment. There is hereby created an Events Committee.

Subd. 2. Powers. The Events Committee will have the powers necessary to carry out the functions and duties set forth in this section.

Subd. 3. Function. The primary function of the Events Committee shall be the planning and execution of the annual event commonly known as “Shafer Days”.

Subd. 4. Duties. The Events Committee shall:

- a. Plan for and execute Shafer Days, including soliciting funds, procuring sponsors, organizing events, building off old ideas and coming up with new ideas, marketing events, and involving interested persons in the event.
- b. Work with city staff, the community, sponsors and others in planning for and carrying of Shafer Days.
- c. Promote sponsorship and attendance at Shafer Days.
- d. Report as needed to the City Council.

Subd. 5. Membership.

- a. The Events Committee shall be composed of six members appointed by the council, two of whom shall be council members; two of whom shall be a current or past member of the Shafer/Franconia Volunteer Fire department and the remaining two a resident of, or an owner of a business, in the city.
- b. The members will be appointed upon majority consent of the council as needed for one year terms.
- c. The council member must be appointed annually by the council
- d. Members of the commission must be residents of, or own a business in, the city while serving on the Events Committee.
- e. Members shall receive compensation at one-half the per-meeting pay received by city council members, with a limitation on pay of one meeting per month. If the monthly meeting is rescheduled to another month, members shall be paid for the rescheduled meeting.

Subd. 6. Officers and meetings.

- a. The Events Committee will hold up to 12 meetings per year, at a time and day to be set, to be held at the Shafer City Hall. The chairperson may cancel and/or reschedule any regular meeting if the chairperson determines that there is not sufficient meaningful business to conduct at the regularly scheduled meeting. A majority constitutes a quorum for the transaction of business.
- b. The commission must adopt rules and procedures consistent with these provisions and as may be necessary for the proper execution.
- c. At the beginning of each calendar year the Events Committee must select a chairperson. The chairperson may be removed with the majority vote of the



commission. The chairperson must:

(1) Preside over meetings of the Events Committee.

(2) Appear or appoint a representative to appear as necessary before other city commissions and the city council to present the view point of the Events Committee.

(3) Provide the liaison with other governmental and volunteer units in matters relating to the Events Committee.

- d. A secretary must also be appointed annually by the Events Committee. The secretary must perform the duties assigned by the chairperson and must assume the responsibilities of keeping records, preparing and keeping meeting minutes and maintain Events Committee files. The minutes shall be submitted to the city clerk's office at least 3 business days prior to the next council meeting.