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Repealed
08/20/01

230.14 Public Works Commission – ADDED 07/06/99 & AMENDED 04/02/01

230.15 Mary Mac Mall Committee – ADDED 06/05/06

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Chapter 2 Administration and Operations

Section 200 - The Council

200.01 Elections.

Subd. 1 Date. Pursuant to Minnesota Statutes § 205.07, the regular City election of Silver Bay shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

Subd. 2 Registration System Adopted. The system for the permanent registration of voters provided for by Minnesota Statutes, Chapter 201, is adopted for the City.

200.02 Terms. The Mayor shall be elected for a term of two years and Council members shall be elected to terms of four years with two Council members being elected at each biennial election, unless otherwise set by Minnesota statutes.

200.03 Salaries. Notwithstanding the provisions of any general or special law or ordinance, the salaries of the Mayor and members of the Council shall be established by Resolution of the Council and shall become effective as provided in Minnesota Statutes § 415.11.

200.04 Meetings.

Subd. 1 Regular Meetings. Regular meetings of the Council shall be held on the 1st and 3rd Monday of each calendar month at 7:00 p.m. unless otherwise changed by Resolution of the Council. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the City Hall unless the Council decides otherwise at a prior meeting that a meeting in the City Hall is impossible.

Subd. 2 Special and Emergency Meetings. Special meetings may be called by the Mayor or by any two members of the Council in writing filed with the Administrator who shall then mail a notice to all members of the time and place of meeting at least one day before the meeting. A special meeting may also be set for a later date at a regular meeting of the Council when all members of the Council are present. Notice to the public shall be given according to state law. An emergency meeting may be called by the Mayor or any two members of the Council to discuss items that require the Council's immediate consideration. An attempt must be made to give actual notice of the emergency meeting to all members of the Council.

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. Appoint such officers, employees, and members of boards, commissions and committees as may be necessary;**

D. Choose one Council member as acting Mayor, who shall perform the duties of the Mayor:

1. during the disability of the Mayor,
2. the absence of the Mayor from the City or,
3. vacancy in the office, until a successor is appointed and qualifies;

E. Establish and appoint Council members to such committees 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 according to the Minnesota Open Meeting Law.

Subd. 5 Presiding Officer.

A. **Who Presides.** The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the acting Mayor shall preside. Lacking both, the Administrator 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.

B. **Procedure.** The presiding officer shall:

1. preserve order,
2. enforce the rules of procedure herein prescribed,
3. decide 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 according to Robert's Rules of Order, Revised.

C. 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.

Subd. 6 Minutes.

A. Who Keeps. Minutes of each Council meeting shall be kept by the Administrator or the Administrator's designee. In the absence of the Administrator or designee, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the Administrator and can be accurately identified from the description given in the minutes.

B. Approval. The minutes of each meeting shall be reduced to typewritten form, and copies delivered to each Council member and the City Attorney 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.

Subd. 7 Order of Business.

A. Order Established. Each meeting of the Council shall convene at the time and place designated for the meeting and shall be conducted in the following order unless varied by the presiding officer:

- 1. Call to order**
- 2. Approval of Minutes**
- 3. Consent Agenda**
- 4. Petitions, requests and communications**
- 5. Reports of officers, boards and committees**
- 6. Unfinished (old) business**
- 7. New business**
- 8. Claims**
- 9. Adjournment.**

B. Petitions and Agenda. Petitions and other papers addressed to the Council shall be either read by the Administrator or presented to the Council.

The Administrator shall prepare an agenda of business, for submission to the Council, before the time of the next regular meeting.

Subd. 8 Voting. The votes of the Council members on any question may be taken in any manner that signifies the intention of the individual members, and the votes recorded in the minutes. If any member is present but does not vote, the minutes shall be marked "Abstained". An abstention is not counted to determine a quorum.

200.05 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 Administrator, and filed by the Administrator 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, section or subdivision, 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 section or subdivision shall set forth in full each amended section or subdivision as it will read with the amendment. The Administrator shall note each Addition, Amendment or Repeal in the "Record of Additions, Amendments, Repeals" at the end of this Code.

Section 210 - City Administrator and Personnel

210.01 Purpose. In order to promote greater efficiency in City Government and to coordinate the operations of the various departments of the City, the Council deems it necessary to establish a position to more effectively administer the policies and directives of the Council.

210.02 Position Established. The position of City Administrator for the City, hereinafter called the Administrator, is established.

210.03 Term. The Council, by majority vote, shall appoint the Administrator for an indefinite term. The Administrator shall be removed only for cause after due notice and hearing.

210.04 Offices Combined. The office of Clerk-Treasurer is combined with that of the Administrator. The duties of the Administrator shall include those duties prescribed by law for statutory City Clerks, Treasurers and Clerk-Treasurer. The City Administrator may employ the title of Clerk, Treasurer, Clerk-Treasurer, Administrator or hyphenated combinations of these titles as deemed necessary or convenient.

210.05 Duties, Responsibilities and Powers. The Administrator shall be the chief administrative officer of the City. The Administrator shall be responsible to the Council for the proper administration of the duties set forth in this Code and the Personnel Manual. The Council may establish a detailed Job Description for the Administrator.

210.06 Coordination with City Departments. The Administrator shall supervise and coordinate the administrative functions and general operations of all departments to assure maximum use of personnel and equipment for the most efficient operation of City affairs. The Administrator may delegate duties and responsibilities to City department heads. The Administrator shall review periodically and coordinate with department heads to assure a coordinated effort to achieve greater efficiency and obtain the goals set by the Council.

210.07 Administration. The Administrator shall develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices of the City consistent with Federal and State laws and the City Code, including department practices or procedures, and department responsibilities. The rules, regulations, and procedures shall be effective upon approval by the Council and shall continue to be in effect until rescinded.

210.08 Personnel Matters. The Administrator shall be the personnel officer of the City with the duties set forth in this ordinance including but not limited to the following:

- A. Carrying out of all adopted personnel policies,
- B. Periodic evaluation of all City employees,

- C. Negotiation of the terms and conditions of employee compensation for presentation to the Council,
- D. Recommend to the Council organizational changing in staffing to assure that high standards of performance are maintained,
- E. Plan, develop and direct, with Council approval, personnel programs, policies and procedures that will encourage the development of full work potential and work interests with all officials and employees in City government.

210.09 Personnel Rules and Regulations. The Administrator shall develop and issue all administrative rules, regulations and procedures necessary for effective personnel management consistent with Federal and State laws and the City Code, including but not limited to:

- A. Scheduling of work, including overtime, in cooperation with department heads,
- B. Payroll practices,
- C. Determination of work periods and payroll check issuance,
- D. Discipline,
- E. Termination practices,
- F. Grievance resolution,
- G. Compensation negotiations,

all subject, however, to the approval of the Council.

210.10 Personnel Hiring, Discipline, Discharge. The Administrator, or respective department heads as delegated by the Administrator, shall interview and screen prospective City employees as allowed by law and shall make recommendations to the Council before the Council makes any appointment. The Administrator shall have the power, as provided in the City personnel policy, to transfer, discipline or discharge any City employee, subject to the approval of the Council.

210.11 Budget/Financial. The Administrator shall:

- A. Prepare and submit a proposed annual budget to the Council,
- B. Keep the Council advised of the financial condition of the City,
- C. Oversee the implementation of physical planning in the City involving capital improvements, including but limited to:
 - 1. purchasing practices,
 - 2. receiving and administering grants-in-aid,
 - 3. submitting grant and loan applications,
 - 4. promotion of business and industrial development.
 - 5. such other duties and responsibilities as may be assigned to the Administrator by the Council.
- D. Coordinate with the City Auditor annual financial reports.

210.12 Public Relations. The Administrator shall coordinate public relations activities emanating from the City. The Administrator shall represent the City and maintain liaisons with business, industry, municipal, State and federal government related activities, including coordination and monitoring of all consultant and contract work performed for the City.

210.13 Meetings. The Administrator shall attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council.

210.14 Recommendations to the Council. The Administrator shall recommend the adoption of such measures as the Administrator deems necessary or expedient for the economic development, health, safety and welfare of the community or for the improvement of administration.

210.15 Qualifications. The Administrator shall have the same general qualifications for municipal service as other City employees pursuant to the City Personnel Policy Manual.

Appointments shall be made by the Council based on executive and administrative experience and educational qualifications. Unless expressly indicated otherwise by this Code, the Administrator shall be subject to the City personnel policy.

210.16 Limitations. Except for coordination between departments, the Administrator shall not have supervision or authority over the office of City Attorney nor any Boards or Commissions created by statute.

Section 220 - Revenue and Property

220.01 Funds. The City Administrator, with the approval of the Council, shall establish a Public Works Improvement Fund pursuant to Minnesota Statutes § 471.57 and such other funds as may be necessary and expedient to efficiently manage the financial affairs of the City.

220.02 General Revenue Reserve Fund.

Subd. 1 Establishment. There shall be maintained a General Revenue Reserve Fund established pursuant to the provision of Laws of Minnesota 1971, Chapter 440, also known as the Taconite Reserve Account, within the Public Works Reserve Fund.

Subd. 2 Fund Transfer. The City Council, to support the General Revenue Reserve Fund, may in any year transfer the General Revenue Funds to the General Revenue Reserve Fund. In any year that the tax receipts from taconite and taconite railroads shall be less than the average annual receipts from taconite and taconite railroad taxes in the preceding five (5) years, and shall be insufficient for ordinary expenses of the City, or any condition that would subject the City to extraordinary expenditures, the Council may by resolution transfer funds from the General Revenue Reserve Fund to the General Revenue Fund to meet the expenses or extraordinary expenditures.

Subd. 3 Maximum Balance. The General Revenue Reserve Fund shall not exceed the average annual receipts from taconite or railroad taxes for the preceding five (5) years.

220.03 Disposition of Unclaimed Property.

Subd. 1 Storage Disposal. Any property lawfully coming into the possession of the City during municipal operations shall be stored by the department getting the property. Any property unclaimed by the owner after notice it may be sold at public auction or by sealed bids in the discretion of the Council.

Subd. 2 Notice. When unclaimed property has been in possession of the City for at least sixty (60) days, notice shall be given in the official newspaper and by registered mail to the owner, if known, of the intention to dispose of the property.

Subd. 3 Sale. If the property shall remain unclaimed ten (10) days after the published notice, the City may sell the property as provided in the notice at either public auction, or by private sale. In the event the property cannot be sold due to little or no value, the City may dispose of the property.

Subd. 4 Proceeds from Sale. The proceeds of the sale shall be placed in the General Revenue Fund of the City.

Subd. 5 Claim by Owner. Pursuant to the provisions of Minnesota Statutes § 471.195, a former owner shall have a right to payment of the sale price upon application and proof of ownership within six (6) months from the date of the sale. The City may deduct the cost of taking the property into possession, storage and cost of sale from the sale price.

220.04 Abandoned, Junk or Unauthorized Motor Vehicles.

Subd. 1 Definitions: Abandoned, Junk or Unauthorized Motor vehicles are motor vehicles as defined by Minnesota Statutes § 168B.011. Classic or Pioneer cars as defined in Minnesota Statutes § 168.10 are not Abandoned, Junk or Unauthorized motor vehicles and are not subject to impoundment.

Subd. 2 Impoundment and Sale. The City police department shall take into custody and impound any Abandoned, Junk or Unauthorized motor vehicles as provided in Minnesota Statutes § 169.041. It shall give notice of the taking as provided by Minnesota Statutes § 168B.06. If the owner or any lienholder does not reclaim the vehicle within the period provided by Minnesota Statutes 168B.07, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two (2) weeks' published notice. Unsold vehicles may be disposed of as provided in Minnesota Statutes § 168B.09.

Subd. 3 Disposition of Proceeds. The proceeds of the sale of impounded motor vehicles shall be deposited or disbursed as provided in Minnesota Statutes § 168B.08, Subd. 3 and Subd. 4.

Section 230 - Boards, Departments, Commissions, and Committees

230.01 Volunteer Fire Department.

Subd. 1 Fire Department Maintained. The established Volunteer Fire Department shall be continued and maintained in the City. The department shall consist of a Chief, two (2) Assistant Chiefs, and such officers and firefighters as the Council may decide.

Subd. 2 Election of Officers. The Chief and other officers of the Fire Department shall be elected or appointed as provided in the Fire Department Rules and Regulations, subject to approval of the Council.

Subd. 3 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, at such date set by the Administrator before the first budget meeting of the Council, as to the condition of the equipment and needs of the fire department. The Chief may submit additional reports and recommendation at any meeting of the Council, and shall immediately report each suspension of a member of the fire department to the Administrator and Council. 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 member's discharge or retention. The Chief shall be charged with the enforcement of all ordinances aimed at fire prevention.

Subd. 4 Records. The Chief shall keep in convenient form a complete record of all fires. The record shall include the time of the alarm, location of the fire, cause of fire (if known), type of building and contents, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and other information as the Chief may deem advisable or as required by the Council or state insurance department.

Subd. 5 Practice Drills. It shall be the duty of the Chief, when the weather allows, to hold at least one monthly practice drill of at least one (1) hours' duration, and other practice drills as the Chief, with approval of the members of the department, may decide to give firefighters instruction in approved methods of fire fighting and fire prevention.

Subd. 6 Other Officers. There shall be a 1st and 2nd Assistant Chief and other officers as may be appointed by the Council. The Assistants shall have such duties as designated by the Chief. In the absence or disability of the Chief, the 1st Assistant Chief shall perform all the functions, exercises, and authority of the Chief. In the absence or disability of the Chief and 1st Assistant Chief, the 2nd Chief shall assume the duties.

Subd. 7 Firefighters. Applicants for position of firefighters shall not be less than eighteen (18) years of age and shall be able-bodied. They shall become members of the fire department only after a six (6) months' probationary period. The Chief shall establish rules of admission for applicants upon advice of the members of the department and approval of the Council.

Subd. 8 Loss of Membership. Firefighters absent from three (3) consecutive drills or calls, unless excused by the Chief, may be dismissed after written notice and vote by the Council. Each firefighter so charged shall be given an opportunity for hearing before the Council.

Subd. 9 Compensation. The compensation of officers and members of the department shall be fixed by the Council.

Subd. 10 Rules and Regulations. The Fire Department shall establish Rules and Regulations for election of officers, qualifications for membership, duties of officers and members, and operation and conduct of the department, subject to the approval of the Council.

Subd. 11 Interference with Department. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without cause, or to neglect or refuse to obey any reasonable order of the Fire Chief, or Police Department, at a fire, or to interfere with the fire department in the discharge of its duties.

230.02 Police Department.

Subd. 1 Police Department Maintained. The established Police Department shall be continued and maintained in the City. The head of the department is the Chief of Police. The number of members of the department, with their ranks and titles, shall be decided by the Council. Members of the department shall serve and be subject to the Rules and Regulations of the Police Civil Service Commission. Every member of the department shall be subordinate to the Chief of Police and shall obey the instructions of the Chief and any superior officer.

Subd. 2 Chief of Police. The Chief shall have the following duties and responsibilities:

- A. Supervision and control of the police department and its members.**
- B. Responsible to the Council for law enforcement and for property of the City used by the department.**
- C. For the proper training and discipline of the members of the department.**
- D. Keeping of adequate records.**
- E. Report to the Council on the needs of the department and its work.**

Subd. 3 Assistant or Acting Chief. The Council may appoint an Assistant Chief when in its discretion the needs of the department requires such position. The Council may designate a police officer as acting Chief, who shall have all the powers and duties of the Chief during an absence or disability of the Chief.

Subd. 4 Duties of Police. Members of the police department shall enforce the laws applicable to the City, bring violators before the court and make complaints for offenses coming to their knowledge.

The Police Department shall serve processes and shall serve such notices as required by the Council or other authority. When the City is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All such fees shall be paid into the City treasury.

Subd. 4 Uniform and Badge. Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the Chief may authorize the performance of specific duties while not in uniform. When a member terminates membership in the department, the member shall immediately deliver to the City the badge, uniform and all other property of the City.

Subd. 5 Extra Police. In case of riot or other law enforcement emergency, the Chief may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the Chief.

Subd. 6 Compensation. The compensation of officers and members of the Police Department shall be fixed by the Council.

Subd. 7 Part Time Police.

A. Maintained. The established Part Time Police section shall be continued and maintained within the Police Department that shall consist of such number as the Council deems necessary. Part time police shall be under the control and supervision of the Chief. They shall be appointed by the Chief subject to the approval of the Council.

They shall serve under the direction of the superior officers of the regular police force and such others as the Chief may appoint from their own number.

B. Duties. Part time police officers shall have the same authority, duties, and obligations as regular members of the department including the authority to issue citations except as restricted by statute or regulations of the police department.

Subd. 8 Interference with Department. It shall be unlawful for any person to give a false report or neglect or refuse to obey any reasonable order of the Chief or any member of the department, or to interfere with the Police Department in the discharge of its duties.

230.03 Safety Committee.

Subd. 1 Safety Committee Maintained. The established Safety Committee shall be continued and maintained in the City. The Mayor, subject to the approval of the Council, shall annually appoint a safety committee consisting of not less than five (5) members. Two (2) of the members shall be the Street Commissioner and the Superintendent of the Water and Sewer Department, or a representative from each of those departments designated by the Council.

Subd. 2 Duties. The Safety Committee shall promulgate rules and regulations, subject to the approval of the Council, to establish safe working conditions for employees and promote safety within the City. The committee shall make regular inspections of City property and all City departments and make recommendations to department heads to best maintain a safety program and to carry out the purposes of this Chapter.

Subd. 3 Reports. The Safety Committee shall make regular reports to the Council of any hazards or unsafe conditions found within the City and its recommendations for eliminating the hazards or dangerous conditions.

Subd. 4 Compliance. The Council may, in its discretion, discharge, suspend or otherwise discipline any City personnel for failure or refusal to comply with any rule, regulation or recommendation of the Safety Committee.

Subd. 5 Compensation. Members of the Safety Committee shall serve without compensation unless otherwise authorized by the Council, except for expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Council.

230.04 Public Library.

Subd. 1 Library Maintained. The established Public Library shall be continued and maintained in the City.

Subd. 2 Library Board. A Library Board of at least five (5) but not more than nine (9) members shall be appointed by the Mayor, with the approval of the Council, and shall serve for the term of three years each. Members terms shall end at the end of the fiscal year.

Subd. 3 Duties. The Board shall be vested with the powers and duties as prescribed by Minnesota Statutes § 134.11, Subd.2, and other applicable laws of this State.

Subd. 4 Tax Levy. The City Council shall levy an annual tax as authorized by State law. The proceeds shall be paid into the City Treasury and deposited in the "Library Fund" to be used for public library purposes.

Subd. 5 Regulations.

A. The Library Board shall adopt rules and regulations for the operation of the public library including rules for care, handling, loan and return of library properties.

B. No person shall damage, mutilate or cause any injury to any book, periodical or other property of the public library, nor violate any rule or regulation adopted by the Library Board.

C. No person shall not keep any book, periodical or other reading material or service of the Public Library beyond the expiration of time for return of the same.

Subd. 6 Reports. The Library Board shall annually report to the Council all amounts received and amounts expended and other information as required by Minnesota Statutes § 134.13.

Subd. 7 Compensation. The Library Board shall serve without compensation unless otherwise authorized by the Board except for expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Board.

230.05 Park and Recreation Board.

Subd. 1 Park and Recreation Board Maintained. (Board) The established Park and Recreation Board shall be continued and maintained, pursuant to the provisions of Minnesota Statutes § 412.501 through 412.531, to improve, ornament, maintain and manage parks and parkways and to operate a program of public recreation and playgrounds pursuant to the provisions of Minnesota Statutes § 471.15 through 471.1911, and to carry out the general powers granted by statute.

Subd. 2 Membership. The Board shall consist of three (3), five (5), seven (7) or nine (9) members appointed by the Mayor with the approval of the Council. One (1) member shall be a member of the Board of Education of Independent School District No. 381 or the Principal of William Kelley High School when authorized by Independent School District No. 381. Members shall be appointed for terms of three (3) years. The number of members may be increased or decreased within the permitted statutory numbers by resolution or ordinance. Except for the School District member, members terms shall end with the end of the fiscal year.

Subd. 3 Compensation. Members shall serve without compensation unless otherwise authorized by the Board except for expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Board.

Subd. 4 Powers and Duties. The Board shall:

- A.** have the powers provided for in Minnesota Statutes §§ 412.521 and 471.15 through 471.1911, which statutes are incorporated and made a part of this Chapter by reference as if set out here in full.

- B. choose one (1) of its members as Chair and may select a secretary either from its own members or otherwise and fix the secretary's compensation.**
- C. make such reports of its activities to the Council as the Council may require and furnish the Council with copies of its minutes.**
- D. have control over all property set aside for park purposes.**
- E. may employ necessary personnel, including a Director of Parks and Recreation, and fix their compensation, subject to the approval of the Council.**
- F. may purchase all necessary materials, supplies, equipment and services, subject to the approval of the Council.**
- G. shall have the power to make cooperative agreements with any public or private agency for purposes of coordinating all activities and facilities included in the public recreational program, and in particular coordinate its activities to best use the parks and recreational facilities in the joint City-County-School District recreational program.**

Subd. 5 Rules and Regulations. The Board shall adopt rules for its meetings and regulations governing the use of park and recreational facilities.

Subd. 6 Budget. No later than the date set by the Administrator before the first budget meeting of the Council each year, the Board shall present to the Council its estimate of the financial needs of the Board for the next fiscal year. The Council shall appropriate funds annually for expenses and operating costs. The Board may also receive funds from Lake County, from Lake Superior School District No. 381, and from other sources as the Board may lawfully secure during its operations. The Board may receive gifts or donations made to it.

Subd. 7 Park Funds. There is established in the City Treasury a special fund called the "Park and Recreation Fund" which shall be administered according to the provisions of Minnesota Statutes § 412.531.

230.06 Economic Development Authority.

Subd. 1 Authority Maintained. The Economic Development Authority, established by Resolution 1987 - #32, pursuant to the provisions of Minnesota Statutes § 469.093, and as modified by Resolution 1989 - #10 and Resolution 1996 - # 29, shall be continued and maintained in the City.

Subd. 2 Purpose.

A. It is the desire of the City to encourage, attract, promote and develop economically sound industry and commerce within the City to enhance employment opportunities for area residents.

B. The Council has found that it is to the best interests of the City and its residents to establish an entity which can undertake activities to further the development of industry and commerce within the City.

C. The establishment of an Economic Development Authority will enhance the effectiveness of the City's economic development efforts by granting power to an entity responsible for furthering the economic vitality of the community.

Subd. 3 Membership. The Economic Development Authority shall consist of not less than three (3) or more than seven (7) members. If a three (3) member authority, one shall be a council member. If a five (5) or seven (7) member authority, two (2) shall be council members. The Mayor shall appoint all members, with the approval of the Council. The Mayor may, with the approval of the Council, appoint all members of the Council to the authority.

Subd. 4 Term. The members of the Authority shall serve for a term of three (3) years. Those appointed from the Council shall hold office as members of the Authority during their term of office as Councilmembers. Except for council members, members terms shall end of the end of the fiscal year.

Subd. 5 Compensation. Members of the Authority shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Council.

Subd. 6 Powers. Subject to the limit of powers set forth in Minnesota Statutes § 469.092, the authority shall have all the powers contained in sections 469.090 to 469.108 and the powers of a housing and redevelopment authority under sections 469.001 to 469.047 or other law, and of a city under sections 469.124 to 469.134 or other law.

230.07 Silver Bay Area Redevelopment Agency.

Subd. 1 Silver Bay Area Redevelopment Agency (SBARA). The established SBARA shall be continued and maintained in the City.

Subd. 2 Purpose.

A. The City is in a rural area where development and redevelopment should be encouraged to enable it to enhance prosperity of the area by establishment of a stable tax base and by a diversified local economy.

B. The City desires to provide new employment opportunities through the expansion of existing or new facilities and resources, and to protect the health, safety, morals and right to gainful employment.

C. There has existed in the area substantial and persistent unemployment for an extended period of time.

D. The rate of unemployment, excluding unemployment due primarily to temporary or seasonal factors, is currently 6 percent or more as determined by available State or Federal statistics.

E. Conditions of chronic unemployment, underdevelopment of natural resources, out-migration of its people and economic depression are not likely to be alleviated without public financial planning assistance to provide the economic opportunity to promote industrial, recreational, commercial or manufacturing enterprises.

Subd. 3 Statutory Recognition. The area of Silver Bay is a "Rural Area" as defined in Section 109 of the Rural Development Act of 1972, Public Law No. 92419, and "Redevelopment Area" as defined in Minnesota Statutes § 469.110, Subd. 7.

Subd. 4 Statutes Adopted by Reference. The provisions of Minnesota Statutes §§ 469.109 through 469.123, as amended, are adopted and incorporated herein by reference and shall apply to the Silver Bay Redevelopment Agency organized under former Minnesota Statutes §§ 472.01 through 472.16, now repealed.

Subd. 5 Board. The SBARA shall be governed by a board of commissioners appointed by the Mayor with the approval of the Council. The Board shall consist of five (5) members who shall be residents of the area of operation of SBARA. No public officer or employee shall serve on the board. A Certificate of Appointment of each board member shall be filed with the Administrator and certified copy thereof shall be transmitted to the state agency. The Board shall adopt Rules and Regulations for the conduct of its affairs. It shall hold regular meetings at a fixed time and place and shall be open to the public.

Subd. 6 Term. Board members shall serve for a term of five (5) years each. Each member's term shall end at the end of the fiscal year.

Subd. 7 Powers. The Board shall have the powers set forth in Minnesota Statutes § 469.115.

Subd. 8 Compensation. Board Members shall serve without compensation unless otherwise authorized by the Board except for expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Board.

230.08 Planning and Zoning Commission.

Subd. 1 Commission Maintained. An established Planning and Zoning Commission (P&Z) shall be continued and maintained in the City.

Subd. 2 Membership of the Commission. The Planning and Zoning Commission shall consist of not less than five (5) members three (3) of whom shall be residents of the City. The members of the Commission shall be appointed by the Mayor, with the approval of the Council. Two (2) members shall be appointed from the Council.

Those appointed from the Council shall hold office as members of the Commission during their term of office as Councilmembers. Members appointed from among the residents shall serve for terms of three (3) years. Except for Councilmembers, terms shall end at the end of the fiscal year. **Subd. 3 Purpose.** P & Z shall provide means of guiding future development of land in the City and its environs to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve open lands, and to promote the public health, safety, and general welfare. P & Z is charged with the responsibility of making studies for the zoning of the various areas within the City and the probable future growth of the City, and to propose the establishment of zoned areas within the City for the location of heavy and light industries, commercial establishments, and residential areas, for the protection of the public welfare and the other interests of the citizens of the City.

Subd. 4 Powers. The P & Z shall have the power to employ professional assistance and services in the performance of its duties but the employment agreements and the compensation therefor shall be subject to approval by the Council.

It shall have all the powers set forth in Minnesota Statutes §§ 462.351 through 462.364, which statutes are adopted by reference as if set forth in full herein. It shall be advisory to the Council.

Subd. 5 Duties. It shall be the duty of the P & Z , except as otherwise provided by law, to:

A. Make a comprehensive survey and report of the physical development of the City with relation to its commercial, industrial, residential and other interests, and to coordinate and propose regulative planning, consistent with the peculiar province of each related interest.

B. Prepare and submit to the Council for consideration, plans for the improvement and regulation of the City development that will provide for the public convenience, and protect the health, safety and general welfare.

C. Provide for the division of the City into districts or zones, and adopt regulative measures for the uses, purposes and areas of buildings and building lines in each such zone or division.

D. Develop regulations for the platting of new areas or re-platting of existing areas, for the vacation or rearrangement of boulevards, streets or alleys, the assignment of traffic to particular streets or arteries, the establishment of restricted building districts and other matters relating to the planning or replanning of the City.

Subd. 6 Enforcement of Orders. P & Z may draft and recommend to the Council the adoption of regulations and ordinances authorizing and empowering P & Z to enforce its findings and conclusions relating to the physical development of the City in its more general scope or to that of each or any particular zone or division. P & Z may appoint a Zoning Officer to enforce the provisions of this chapter and provide for the officer's compensation, subject to the approval of the Council. The Zoning Officer shall have the power to issue citations for violations of this chapter or applicable statutes.

Subd. 7 Compensation. Members of P & Z shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including traveling expense, incurred in performance of their official duties as authorized in advance by the Council.

Subd. 8 Reports. P & Z shall furnish minutes of its meetings and make such reports to the Council as the Council may require.

230.09 Liquor Control Commission.

Subd. 1 Liquor Control Commission Maintained. The established Liquor Control Commission shall be continued and maintained in the City.

Subd. 2 Membership. The Liquor Control Commission (Commission) shall consist of not less than five (5) members who shall be appointed by the Mayor, with the approval of the Council. Not less one (1) of the members shall be a member of the Council and shall hold office on the Commission during their terms of office as Council members. The other three (3) members shall be residents of the City. These commission members shall hold office for three (3) years with terms ending at the end of the fiscal year. Any commission member who shall cease to be a legal resident of the City shall become ineligible to continue as a member of the Commission. The Mayor shall appoint a new member to fill the unexpired term.

Subd. 3 Duties. The Commission shall supervise and control the operations of the Silver Bay Municipal Liquor Store. It shall make recommendations to the Council regarding improvements and general operation of the Liquor Store. It shall promulgate Rules and Regulations for operation of the Liquor Store subject to the approval of the council. The Commission shall make recommendations to the Council regarding issuance of commercial or private on or off-sale retail liquor licenses.

Subd. 4 Reports. The Commission shall furnish to the Council minutes of its meetings and other reports that the Council may require. The Commission is advisory to the Council.

Subd. 5 Compensation. Members shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including traveling expenses, in performance of their official duties as authorized in advance by the Council.

230.10 Public Utilities Commission.

Subd. 1 Public Utilities Commission Maintained. The established Public Utilities Commission shall be continued and maintained in the City pursuant to the provisions of Minnesota Statutes §§ 412.331 through 412.391.

Subd. 2 Purpose. The Public Utilities Commission (Commission) shall have general jurisdiction of all the public utilities within the City, consisting of the Water Treatment and Distribution System and the Wastewater Treatment and Collection System.

Subd. 3 Membership. The Commission shall be composed of not less than three (3) members who shall be appointed by the Mayor of the City with the approval of the Council. No more than one (1) member may be chosen from the Council. Each member shall serve for a term of three (3) years with terms ending at the end of the fiscal year. The Councilmember shall serve as a member of the Commission during that member's term of office as a Councilmember.

Subd. 4 Duties. The Commission shall have charge of the operation and establish rates and charges to be made by all Public Utilities within the City. It shall establish and prepare an operating budget that shall be submitted to the Council for approval each year. The budgets and recommendations relating thereto shall be submitted to the Council on or before the date set by the Administrator prior to the first budget meeting of the Council. It shall not exceed its approved budget in any respect without first obtaining authority therefore from the City Council. Any expenditure more than the budget without such approval shall be void.

Subd. 5 Powers. The Commission shall establish such rules and regulations for its operation as it shall deem necessary and convenient. It shall have power to employ all necessary help for the management and operation of the utilities, prescribe duties for employees and fix their compensation, subject to the approval of the Council.

It shall appoint a Secretary who need not be a member of the Commission and may be the City Administrator. The Commission is charged with the duty of administering all funds that shall be appropriated to it and the income from the operation of the utilities. It shall have all the Specific Powers set forth in Minnesota Statutes § 412.361.

Subd. 6 Additional Powers. The Commission shall promulgate and enforce regulations whereby it shall require that in the event a request for a transfer of an account or a change in the ownership of any premises against which there are delinquent utility bills, or in the event it shall terminate utility service to the premises, all delinquent charges for utility services theretofore rendered shall be paid in full before utility services will be reestablished to the premises involved.

Subd. 7 Compensation of the Commission. The members of the Commission shall not be compensated for their services. Commission members may be allowed expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Commission.

Subd. 8 Billing and Collection. The Council shall by Resolution establish procedures for billing and collection of charges for utility services, which resolution shall when adopted have the full force and effect of the law.

Subd. 9. Liens. Each charge for water and sewer services levied pursuant to this Code may be made a lien upon the corresponding lot, land or premises served by the connection to the water and sewer system of the City. All such charges that are delinquent on the first of September of each year that have been properly billed to the owner or occupant of the premises served may, by Order of the Commission, be certified by the Administrator to the County Auditor within the Auditor's time limits of each year. The Administrator in certifying the charges to the County Auditor shall specify the amount thereof and the description and name of the owner of the premises served. The amount so certified shall be extended by the County Auditor on the tax rolls against the premises in the same manner as other taxes and paid to and collected by the County Treasurer along with other taxes pursuant to Minnesota Statutes §§ 444.075 and 443.015.

Subd. 10 Reports. The Commission shall furnish copies of its minutes to the Council and other reports the Council may require.

230.11 Cemetery and a Cemetery Board.

Subd. 1 Establishment and Location. The established cemetery shall be continued and maintained upon land owned by the City located in Lake County, Minnesota.

Subd. 2 Exclusive Use. No person shall lay out or establish any cemetery or use any lot of land within the City for the burial of the dead except in the Silver Bay Municipal Cemetery unless otherwise authorized by the Council.

Subd. 3 Cemetery Board. The established Cemetery Board (Board) shall be continued and maintained. The Mayor, with the approval of the Council, shall appoint a Cemetery Board consisting of not less than six (6) members. Members shall serve for a term of three years each, with shall ending at the end of the fiscal year. One (1) member of the board shall be appointed from the City Council and shall hold office as a member of the Board during that member's term of office as a Councilmember.

Subd. 4 Duties. The Board shall have control and management of the cemetery and be responsible for its maintenance and improvements pursuant to the provisions of Minnesota Statutes Chapter 306.

Subd. 5 Rules. The Board shall adopt rules and regulations for the operations of the cemetery and shall provide regulations for issuance of burial permits and sale of lots subject to the approval of the Council.

Subd. 6 Sale of Lots. Sale of lots shall be handled by the City Administrator's office. The prices of cemetery lots and other services shall be established by the Board subject to the approval of the Council. Upon payment of the price fixed for a lot, the purchaser shall be entitled to a deed conveying title to the lot. The deed shall be subject to the rules and regulations adopted by the Board and approved by the Council.

Subd. 7 Funds. All monies received from the sale of lots or other services shall be paid to the City Administrator and placed in a "Cemetery Fund" for maintenance and improvement of the cemetery. Monies shall be paid out of the Cemetery Fund only upon approval of the Council.

Subd. 8 Reports. The Board shall submit copies of minutes of all meetings to the Council and shall file an annual financial statement and report with the City Administrator.

Subd. 9 Permanent Care and Improvement Fund.

A. Fund Maintained. The established Permanent Care and Improvement Fund shall be continued and maintained as a separate fund for use in maintaining, caring for, and improving the cemetery and cemetery lots in the City pursuant to the provisions of Minnesota Statutes §§ 306.37 through 306.41.

B. Expenditure and Investment. Twenty (20) percent of the proceeds from sale of cemetery lots shall be paid into Perpetual Care Fund as provided in Minnesota Statutes § 306.38. The Council may appropriate additional funds to meet as necessary.

C. Management. The fund shall be managed and the monies invested by the Board under the direct supervision of the Administrator.

D. Reports. The Board shall make a regular annual report at the end of each calendar year regarding the status of the fund, principal received, investments made, and the income from it, and all expenditures made out of the fund and other information that the Council may require.

E. Fund Limit. The fund shall not be allowed to exceed Fifteen thousand (15,000.00) dollars per acre, or such maximum amounts as may be established by statute. When the fund reaches One hundred thousand (100,000.00) dollars, the Commission may, with the approval of the City Council, use any excess of that amount for maintenance care, improvement, expansion or acquisition of additional land for cemetery purposes, or transfer the excess to the General Fund.

Subd. 10 Compensation. The members of the Cemetery Board shall not be compensated for their services. Members may be allowed expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Board.

Subd. 11 Violations. No person shall mutilate, destroy, or cause any damage to any monuments, decorations, gravesites or cemetery property, nor build any signs or other objects contrary to the rules and regulations of the Cemetery Board.

230.12 Airport Commission

Subd. 1 Airport Commission Maintained. The established Airport Commission (Commission) shall be continued and maintained in the City.

Subd. 2 Membership. The Mayor, subject to the approval of the Council, shall appoint an Airport Commission consisting of not less than five (5) members. At least one (1) shall be a Councilmember. The Councilmembers shall serve on the Commission during their term of office as Councilmembers unless otherwise determined by Council action. The remaining members shall serve for a term of three (3) years with the terms ending at the end of the fiscal year.

Subd. 3 Duties. The Commission shall be charged with the responsibility of the management, operation and maintenance of the airport.

Subd. 4 Compensation. Members of the Commission shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Council.

Subd. 5 Rules and Regulations. The Airport Commission shall establish rules and regulations for operation of the airport, subject to the approval of the Council, which shall have the full force and effect of law and any violation thereof is a violation of this Code.

Subd. 6 Reports. The minutes of the Airport Commission, reports, and pertinent correspondence shall be submitted to the Council after each commission meeting.

Subd. 7 Permits. No person shall operate a fixed base operation, flying school, or any other commercial activity on the Silver Bay Municipal Airport without first securing written approval from the Airport Commission and subject to the approval of the Council.

Subd. 8 Traffic Regulations. No person shall operate a motor vehicle, except for airport maintenance purposes, upon the runways, taxiways, or aircraft parking area, except on those sections of the airport specifically designated for motor vehicles.

Subd. 9 Building Permits. No person shall construct any aircraft hanger, shop or other building upon the airport premises without first having secured a permit therefore and the approval of the plan for the structure from the Airport Commission, subject to the approval of the Council.

Subd. 10 Aircraft Regulations. No person shall operate an aircraft contrary to Federal or State Statutes or Regulations.

REPEALED 08/20/01

230.13 Police Civil Service Commission.

Subd. 1 Commission Maintained. The established Police Civil Service Commission (Commission) shall be continued and maintained in the City. The provisions of Minnesota Statutes §§ 419.01 through 419.181 are hereby expressed accepted and are adopted by reference with the same force and effect as if set forth in full herein.

All police officers of the City shall come under the jurisdiction of the Commission.

Subd. 2 Membership. The Commission shall consist of three (3) members who are citizens of the State and residents of the City, appointed by the Mayor with the approval of the Council. The Commissioners shall serve for a term of three (3) years each, one member to be appointed each year with terms ending at the end of the fiscal year. No commissioner shall hold any elected office or employment under the City or City Police Department.

Subd. 3 Meetings. The Commission shall meet on the first Monday of February of each year and at such other times as may be set by the Commission.

Subd. 4 Duties. The Commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees and members of the Police Department of the City and other duties as provided in Minnesota Statutes § 419.05.

Subd. 5 Rules. To carry out the purpose of this Chapter, the Commission shall make, amend, alter, and change rules to promote efficiency in the Police Department. The Rules shall provide among other things for:

- A. Classification of all offices and employments in the police department,**
- B. Public competitive examinations to test the relative fitness of applicants;**

- C. Public advertisements of all examinations at least ten (10) days in advance;**
- D. Creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination;**
- E. Striking any name from the eligible register after it has been two years thereon;**
- F. Rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any willful misrepresentation, deception, or fraud in connection with their applications for employment;**
- G. Certification of the three names standing highest on the list to fill any vacancy;**
- H. Temporary employment without examination, with the consent in each case of the commission;**
- I. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority;**
- J. Suspension with or without pay for not longer than sixty (60) days and for leave of absence, with or without pay; and,**
- K. Such other rules not inconsistent with the provisions of this Section as may, from time to time, be found necessary to secure the purposes of this Section.**

Subd. 6 Standards. The Commission shall ascertain the duties of each office, position and employment in the Police Department and designate by rule as well as may be practicable the grade of each office, employment, or position. It shall prescribe standards of fitness and efficiency for each office, position, and employment for each grade, and adapt its examination thereto.

~~Subd. 7. Suspension, removal and reinstatement. The Commission may remove, reduce or suspend any employee of the Police Department found guilty of inefficiency, breach of duty, or misconduct, after notice and hearing. It may reinstate any employee temporarily suspended, or suspended during investigation, if the commission finds that the charges are not sustained.~~

~~Subd. 8 Compensation. Members of the commission shall not be compensated for their services unless otherwise authorized by the Commission. Members may be allowed expenses, including traveling expenses, incurred in performance of their official duties as authorized in advance by the Commission.~~

230.14 Public Works Commission.
07/06/99 ADDED
04/02/01 AMENDED

230.15 Mary Mac Mall Committee.
06/05/06 ADDED

Section - 240 Terms of Boards and Commissions.

240.01 Expiration of Terms. Unless otherwise provided, the terms of all Board, Commission and Committee members shall end at the end of the fiscal year. Members, however, shall continue to serve until their replacements have been appointed.