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Chapter 2

Administration and Operations

Section 200 - The Council

200.01. Elections.

Subd. 1. Date. Pursuant to Minn. Stat. § 205.07, the regular City election for 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 Statute Chapter 201 is adopted for the City.

200.02. Terms. The Mayor shall be elected for a term of two (2) years and Council members shall be elected to terms of four (4) years with two (2) Council members being elected at each biennial election, unless otherwise set by Minnesota Statute.

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 Minn. Stat. § 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 shall be held in the City Hall unless the Council decides 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 (2) members of the Council with an oral or written request filed with the Administrator who shall then notify all members of the time and place of meeting at least one day before the meeting. Actual notice to members may occur by mail, email or telephone. 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 for a special meeting also must be posted at the city hall before the meeting according to special meeting requirements of the Minnesota open meeting law. An emergency meeting may be called by the Mayor or any two (2) 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. during 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 per 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; and
3. decide without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

C. Appeal Procedure. Any councilmember 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. Rules of Procedure. The Council determines its own rules and order of business. A majority of all members elected constitutes a quorum to do business, but a smaller number can adjourn from time to time.

Subd. 7. 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. 8. 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 Agenda;
3. Approval of Minutes;
4. Consent Agenda;
5. Petitions, requests and communications;
6. Reports of officers, boards and committees;
7. Unfinished (old) business;
8. New business;

9. Claims;

10. 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. 9. Voting. The votes of the Council on any question may be taken in any manner that signifies the intention of the individual members with 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. Ordinances, Resolutions and Motions. All legislation must be by ordinance unless otherwise stated in this Code. The votes on ordinances, resolutions and motions must be recorded unless the vote is unanimous, in which case the vote must be recorded as being unanimous. An affirmative vote of a majority of all Councilmembers is required for the passage of ordinances and resolutions, unless otherwise provided by this chapter.

Subd. 2. Procedure on Ordinances. A statement of the purpose and effect of every ordinance, except an emergency ordinance, stating the time and place at which it will be considered, must be published once in the official newspaper at least one week before its introduction and final passage.

Subd. 3. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare of the City. The emergency must be defined and declared in its preamble and must be adopted by a vote of at least five (5) members of the Council. No prosecution can be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the Administrator and posted in a conspicuous place at the City Hall or until the ordinance has been published, unless the person charged with a violation had actual notice of the passage of the ordinance before the violation.

Subd. 4. Procedure on Resolutions. Every proposed resolution must be presented in writing to the Council for consideration at a regularly scheduled meeting. No action shall be taken on any proposed resolution until the following regularly scheduled Council meeting. Action may

be taken on proposed resolutions at the initial meeting for grant funding, applications, awards or emergency situations where timing is of the essence.

Subd. 5. Signing and Publication of Ordinances and Resolutions. Every ordinance or resolution passed by the council must be signed by the Mayor or by the acting mayor, attested by the Administrator and filed and preserved by the Administrator. Every ordinance and any resolutions requested by the Mayor or by two other members of the council must be published at least once in the official newspaper. The Council, by a two-thirds vote of all of its members, can direct publication of only the title and a summary of an ordinance if the Council approves the text of the summary and determines that it would clearly inform the public of the intent and effect of the ordinance. The summary must comply with the requirements of Minn. Stat. § 331A.01, Subd. 10, and give notice that a full copy of the ordinance is available for inspection during regular office hours at the Administrator's office. As provided by law, an ordinance can incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, code or ordinance, or part thereof, without publishing the material in full.

Subd. 6. When Ordinances and Resolutions take effect. Resolutions and emergency ordinances take effect immediately upon passage or at a fixed later date. All other ordinances take effect upon publication unless a later date not exceeding 30 days is specified.

Subd. 7. Amendment and Repeal of Ordinances and Resolutions. All ordinances or resolutions repealing previous ordinances or resolutions, or a section or subdivision thereof, must give the number, if any, and the title to the ordinance or resolution to be wholly or partially repealed. No amendment can be by reference to a title alone. An amending ordinance or resolution must set forth in full each section or subdivision to be amended and must indicate new matter by underscoring and old matter to be omitted by enclosing it in brackets and lining out all language between the brackets. In newspaper publications, the same indications of omitted and new matter must be used except that italics or bold-faced type can be substituted for underscoring and omitted matter may be printed in capital letters within parentheses.

Subd. 8. Revision and Codification of Ordinances. The City can revise, rearrange and codify its ordinances with such additions and deletions as the Council considers necessary. The ordinances must be published in book, pamphlet or continuously revised loose-leaf form and copies must be made available at the Administrator's office for distribution to the public free or at a reasonable charge as the Council determines. Publication in a code is sufficient publication of

any ordinance provision not previously published if notice that copies of the codification are available at the Administrator's office and it is published in the official newspaper for at least two successive weeks.

Section 210 - 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 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 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 supervisors. The Administrator shall review periodically and coordinate with department supervisors 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 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; and
- 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. Subject to Council approval, 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 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; and
- G. Compensation negotiations.

210.10. Personnel Hiring, Discipline, Discharge. The Administrator, or respective department supervisors 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; and
 - 5. such other duties and responsibilities as may be assigned to the Administrator by the Council.
- D. Coordinate with the City Auditor for 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 policies.

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 Administrator, with the approval of the Council, shall establish a Public Works Reserve Fund pursuant to Minn. Stat. § 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, within the Public Works Reserve Fund, established pursuant to the provision of Minn. Stat. § 298.282, for the deposit of Taconite Municipal Aid.

Subd. 2. Fund Transfer. The 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 Municipal Aid 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 Municipal Aid 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 proper notice is provided by the City, 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 the City's possession 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 sale or by a private sale through a nonprofit organization that has a significant mission of community service. In the event the property is not sold due to no bidders at auction or offers to purchase, 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 Minn. Stat. § 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, legal fees and cost of sale from the sale price.

Section 225 - Lodging Tax

225.01. Lodging Tax. Pursuant to Minn. Stat. § 469.190, there is imposed a tax of three percent (3%) on the rent charged by the operator providing lodging to any person in the City.

Subd. 1. Purpose. The tax imposed by this section shall be used in accordance with Minn. Stat. § 469.190, as the same may be amended from time to time, to fund a local convention and tourism bureau to market and promote the City as a tourist and convention center and allow it to compete fairly with other areas of the North Shore of Lake Superior and northern Minnesota that already have a lodging tax. The Council may designate the local area Chamber of Commerce or other public interest organization as the convention and tourism bureau.

Subd. 2. Definitions. The following terms, phrases and words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and vice versa. The word “shall” is always mandatory and not merely directory.

A. “Lodging” means the furnishing for consideration lodging (staying overnight) at a hotel, motel, rooming, tourist court, resort, or other rental facility within the City, except where such lodging shall be for a continuous period of more than thirty (30) days to the same lodger.

B. “Tax Administrator” means the Administrator or other official or entity with which the City has designated or contracted to collect the tax on its behalf and for administrative services.

C. “Operator” means a person who provides lodging to others or any officer, agent or employee of such person.

D. “Person” means a municipality, individual, corporation, partnership, association, estate, receiver, trustee, executor, administrator, assignee, syndicate, other legal entity, or any

combination of individuals. Whenever the term “person” is used in any provision of this section prescribing and imposing a penalty, the term as applied to any corporation, association or partnership shall mean the officers or partners thereof.

E. “Rent” means the total consideration valued in money charged for the lodging whether paid in money or otherwise, but shall not include any charges for services (such as valet service, etc.) rendered in connection with furnishing lodging rather than the room charge itself.

F. “Lodger” means a person obtaining lodging from the operator.

G. “Tax” means the tax imposed by this section.

Subd. 3. Effective Date. The tax shall be effective and commence on February 15, 2008.

Subd. 4. Tax a Debt to the City. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of the tax which the operator is authorized and required by this section to collect from the lodger.

Subd. 5. Collections. Each operator shall collect the tax imposed by this section at the time the rent is paid. The tax collections shall be deemed to be held in trust by the operator for the City. The amount of the tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

Subd. 6. Exceptions and Exemptions.

A. Exceptions. No tax shall be imposed on rent for lodging paid by an officer or employee of a foreign government who is exempt by reason of express provisions of federal law or international treaty.

B. Exemptions. An exemption shall be granted to any person whose occupancy is beyond the City to tax. No exemption shall be granted except upon a claim made at the time the rent is collected and such a claim shall be made in writing under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns for collection are submitted as required by this section.

Subd. 7. Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any lodger, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it

or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent (\$.01) shall be rounded up.

Subd. 8. Payment and Returns. The taxes imposed by this section shall be paid to the Tax Administrator monthly, not later than twenty-five (25) days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and containing such information as the City or its Tax Administrator may require. The return shall contain the following information:

- A. The total amount of rent collected for the lodging during the period covered by the return;
- B. The amount of the tax required to be collected and due for the period;
- C. The signature of the person filing the return or that of his or her agent;
- D. The period covered by the return; and
- E. The amount of the uncollectible rent subject to the tax.

Subd. 9. Examination of Return, Adjustments, Notice and Demands. The Tax Administrator shall, after a return is filed, make any investigation or examination of the records and accounts deemed necessary for determining its correctness. The tax to be paid shall be computed on the basis of such examination. If the tax due is found to be greater than that paid, the additional amount due shall be paid to the Tax Administrator within ten (10) days after receipt of a notice given personally or by certified mail to the address shown on the return. If there has been an overpayment of tax, the excess shall be refunded or, in the discretion of the Tax Administrator, withheld and applied to future taxes due. If the excess tax is withheld, the Tax Administrator shall notify the person who paid the tax that there is a credit allocated to the taxpayer's account.

Subd. 10. Refunds. Any person may apply for a refund an overpayment of taxes withheld by the Tax Administrator, provided that no application for refund shall be considered unless filed within one (1) year from the date of the return. The Tax Administrator shall examine the claim and return any excess taxes paid. If no excess is found, the Tax Administrator shall inform the applicant. Should the applicant contest the Tax Administrator's determination of no refund due, the applicant may make a written application to the Council for a hearing on the matter.

Subd. 11. Failure to File a Return. If any operator required by this section to file a return shall fail to do so within the time prescribed or shall make, willfully or otherwise, an incorrect, false or fraudulent return, the operator shall, upon written notice and demand given in person or

by certified mail, file such return or corrected return with five (5) days. If such person shall fail to file such return or corrected return, the Tax Administrator shall file a return for such person from such knowledge and information as the Tax Administrator can obtain, and assess a tax on the basis thereof which tax, less any payments made on account of the tax for the taxable period covered by such return, shall be paid within five (5) days of personal service or mailed notice of demand for payment. Any such return or assessment made by the Tax Administrator shall be prima facie correct and valid, and such person shall have the burden of establishing its incorrectness or invalidity in any action or proceeding.

A. If any portion of a tax, including penalties, is not paid within thirty (30) days after it is required to be paid, the City may institute such legal action or civil procedure as may be necessary to recover the amount due plus interest, penalties, attorney fees and the costs and disbursements of any action.

B. Upon a showing of good cause, the Tax Administrator may grant an operator one thirty (30) day extension of time within which to file a return and make payment of taxes as required by this section, provided that interest during the period of extension shall be added to the taxes due at the rate set by Minnesota statute for judgments.

Subd. 12. Penalties.

A. If any tax imposed by this section is not paid within the time specified for payment, there shall be added a specific penalty equal to ten percent (10%) of the unpaid amount.

B. In case of any failure to make and file a timely return, unless it is shown that such failure is due to mistake and not willful neglect, there shall be added to the tax, in addition to the ten percent (10%) specific penalty provided in subdivision A. above, ten percent (10%) if the failure is not for more than thirty (30) days, with an additional five percent (5%) for each additional thirty (30) days or fraction thereof during which time such failure continues, not exceeding twenty-five percent (25%) in the aggregate. If the penalty as computed does not exceed \$25.00, a minimum penalty of \$25.00 shall be assessed. The amount so added to any tax shall be collected at the same time and the same manner and as a part of the tax unless the tax has been paid before discovery of the negligence, in which case the amount so added shall be collected in the same manner as the tax.

C. If any person willfully fails to file any return or make any payment required by this section, or willfully files a false or fraudulent return or willfully attempts in any manner to

evade or defeat any such tax or the payment, there shall also be imposed as a penalty an amount equal to fifty percent (50%) of any tax found due for that period.

D. The penalty imposed by this subdivision shall be collected as part of the tax and shall be in addition to any other penalties provided in this section.

E. All payments received shall be credited first to penalties, next to interest, and then to the tax due.

F. The amount of tax not timely paid, together with any penalty provided in this section, shall bear interest at the rate set by Minnesota statute for judgments from the time the tax was due. Any interest and penalty shall be added to the tax and collected as a part of the tax.

Subd. 13. Liens. In the event the tax and penalties provided for in this section remain unpaid, the total charges due may be made a lien on the lodging premises. All such charges that are delinquent on the first day of September each year and that have been properly billed to the owner or occupant of the premises may, by order of the Council, be certified by the Administrator to the County Auditor within the Auditor's time limits each year. The Administrator, in certifying the charges to the County Auditor, shall specify the amount with the description of the premises and the name of the owner. The amount so certified shall be extended on the tax rolls against the premises in the same manner as other taxes and paid to and collected by the County Auditor along with other taxes pursuant to Minn. Stat. § 444.075 and § 443.015.

Subd. 14. Revocation or Suspension of License. Whenever an operator fails to comply with any of the provisions of this section the Council may, after hearing, suspend or revoke any licenses (including but not limited to liquor licenses) issued to the operator by the City. The operator shall be given ten (10) days written notice of the hearing. The notice of hearing shall be published in the legal newspaper of the City not less than ten (10) days before the hearing.

Subd. 15. Administration of the Tax. The Tax Administrator shall administer and enforce the assessment and collection of the taxes and penalties imposed by this section. The Tax Administrator shall cause to be prepared blank forms for the returns and other documents required by this section and shall distribute the same to all operators within the City. The failure of an operator to receive or secure such forms shall not relieve any person from the obligations required by this section.

Subd. 16. Examine Records. The Tax Administrator or other persons authorized by the Council may examine the books, papers and records of any operator in order to verify the accuracy of any return made or, if no return is made, to ascertain the tax as provided in this section. Every operator is directed and required to give the Tax Administrator or the duly authorized agent or employee the means, facilities and opportunity for such examination and investigation.

Subd. 17. Contract for Tax Administration. As provided in Minn. Stat. § 469.190, Subd. 7, the Council may enter into an agreement with the Minnesota Commissioner of Taxation, or other appropriate entity, for the purpose of acting as Tax Administrator and providing for the administration and collection of taxes imposed by this section. The fees charged by any such Tax Administrator for administrative services and collecting the taxes imposed by this section shall not exceed five percent (5%) of the gross proceeds of the tax so imposed.

Subd. 18. Violations. In addition to any other penalties prescribed herein, any person who shall willfully fail to make a return required by this section, or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this section after written demand for payment, or who shall refuse to permit the Tax Administrator or any duly authorized agents or employees to examine the books, papers and records under the operator's control, or who shall willfully make any incomplete, false or fraudulent return, shall be subject to a civil penalty as provided in Subdivision 12, and may be charged with a misdemeanor as provided in Section 130.08 for failure to pay a fine imposed by the City.

Subd. 19. Petition for Review. Any operator aggrieved by any notice, order or determination made by the Tax Administrator under this section may file a petition for review detailing the operator's reasons for contesting the notice, order or determination.

A. The petition for review shall contain the name, address, phone number, location of the lodging and detailing the operator's reason for review.

B. The petition shall be filed with the Administrator within ten (10) days after the notice, order or determination for which the review is sought has been mailed or served upon the person requesting review.

C. The Administrator shall set a date, time and place of hearing and give the petitioner not less than five (5) days written or personal service before the date of the hearing.

Subd. 20. Hearings. The Council, acting as the Hearing Officers, or a Hearing Officer or Officers designated by it, after due notice, shall conduct a hearing. The Council may designate Hearing Officers, consisting of one or more persons, to conduct the hearing. The Petitioner may be represented by counsel. The Hearing Officer(s) conducting the hearing shall make written findings of fact and conclusions based upon applicable provisions of this section and the evidence presented.

Subd. 21. Appeals. Any person aggrieved by the decision of the Hearing Officer may, within ten (10) days of filing the decision, file an appeal to the District Court of Lake County.

Subd. 22. Data Privacy. Except for data submitted at hearings as provided in Subdivision 20 and appeals as provided in Subdivision 21, data collected from any person pursuant to this section shall be considered private data on individuals or non-public data pursuant to Minn. Stat. § 13.01, *et seq.*

Section 230 - Boards, Departments, Commissions, and Committees

230.01. Volunteer Fire Department.

Subd. 1. Fire Department Maintained. The 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 firefighting 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 firefighting 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) month 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 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. 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; and,
- 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 process 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. 5. Uniform and Badge. Each member of the department shall, while on duty, wear a suitable badge and uniform, 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 and all other property of the City.

Subd. 6. 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. 7. Compensation. The compensation of officers and members of the Police Department shall be fixed by the Council.

Subd. 8. 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. 9. Interference with Department. It shall be unlawful for any police officer, city personnel or other 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 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 Superintendent and the Superintendent of the Water and Sewer Department, or a representative from each of those departments designated by the Council. The remaining three (3) members shall not have supervisory roles in a City department.

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 supervisors 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 travel 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 in accordance with Minn. Stat. §§ 134 et al., as amended.

Subd. 2. Library Board. A Library Board of at least five (5) but not more than seven (7) members shall be appointed by the Mayor, with the approval of the Council, and shall serve for a term of three (3) years each. Terms shall expire at the end of the fiscal year. One (1) member shall be appointed from the Council. The member appointed from the Council shall hold office as a member of the Board during their term of office as a Councilmember. No member will serve more than three (3) consecutive 3-year terms, as required by Minn. Stat. § 134.09, Subd.2. A majority of the members of the Board shall be residents of the City. The Mayor shall not serve on the Board.

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

Subd. 4. Tax Levy. The 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 Statute § 134.13.

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

Subd. 8. Damage to Library Property. The City, by and through the Police Department, shall enforce damage to library property in accordance with Minn. Stat. § 609.541.

230.05. Park and Recreation Board.

Subd. 1. Park and Recreation Board Maintained. The established Park and Recreation Board shall be continued and maintained in the City, pursuant to the provisions of Minn. Stat. § 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 Minn. Stat. § 471.15 through 471.1911, and to carry out the general powers granted by statute.

Subd. 2. Membership. The Board shall consist of five (5) or seven (7) 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 M. Kelley High School, when authorized by Independent School District No. 381. One (1) member shall be appointed from the Council. The member appointed from the Council shall hold office as a member of the Board during their term of office as Councilmember. Members shall be appointed for three (3) year terms. The number of members may be increased or decreased within the permitted statutory numbers by resolution or ordinance. Except for the School District member, member's terms end on the last day of the fiscal year.

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

Subd. 4. Powers and Duties. The Board shall:

A. 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, subject to Council approval;

- B. Make such reports of its activities to the Council as the Council may require and furnish the Council with copies of its minutes;
- C. Have control over all property set aside for park purposes;
- D. Recommend to the Council the employment of necessary personnel, including a Director of Parks and Recreation, and fix their compensation, subject to Council approval;
- E. Purchase all necessary materials, supplies, equipment and services, subject to Council approval;
- F. 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, subject to Council approval, to include coordination of 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 Minn. Stat. § 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 Minn. Stat. § 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, member's terms end on the last day 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 travel 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 Minn. Stat. § 469.092, the Authority shall have all the powers contained in Minn. Stat. §§ 469.090 to 469.108, and the powers of a housing and redevelopment authority under Minn. Stat. §§ 469.001 to 469.047 or other law, and of a city under Minn. Stat. §§ 469.124 to 469.134, or other law.

230.07. Planning and Zoning Commission.

Subd. 1. Commission Maintained. The Planning and Zoning Commission (Commission) shall be continued and maintained by the City.

Subd. 2. Membership of the Commission. The 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. The Commission 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. The Commission 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 Commission shall be advisory to the Council and 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 Minn. Stat. §§ 462.351 through 462.364, which statutes are adopted by reference as if set forth in full herein.

Subd. 5. Duties. It shall be the duty of the Commission 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; and
- 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 re-planning of the City.

Subd. 6. Enforcement of Orders. The Commission may draft and recommend to the Council the adoption of regulations and ordinances authorizing and empowering it 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. The Commission may appoint a Zoning Administrator to enforce the provisions of this chapter and provide for his or her compensation, subject to the approval of the Council. The Zoning Administrator shall have the power to issue citations for violations of Chapters 11 and 12 of the Code or applicable Minnesota Statutes.

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

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

230.08. Liquor Control Commission.

Subd. 1. Liquor Control Commission Maintained. The Liquor Control Commission (Commission) shall be continued and maintained by the City.

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

Subd. 3. Duties. The Commission shall supervise 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 approval by 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 travel expenses, in performance of their official duties as authorized in advance by the Council.

230.09. Public Utilities Commission.

Subd. 1. Public Utilities Commission Maintained. The Public Utilities Commission (Commission) shall be continued and maintained by the City pursuant to the provisions of Minn. Stat. §§ 412.331 through 412.391.

Subd. 2. Purpose. The 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 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 shall recommend to the Council the 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 from the Council.

Subd. 5. Powers. The Commission shall establish such rules and regulations for its operation as it shall deem necessary and convenient. It shall recommend to the Council the employment of agents, consultants, and employees, prescribe duties for employees and fix their compensation, as it shall deem reasonable and necessary for the management and operation of the utilities. 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.

Subd. 6. Additional Powers. The Commission shall promulgate and enforce regulations requiring 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 rendered shall be paid in full before utility services will be reestablished to the involved premises.

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 travel expenses, incurred in performance of their official duties as authorized in advance by the Council.

Subd. 8. Billing and Collection. The Council shall by resolution establish procedures for billing and collection of utility service charges, which resolution shall 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 a lien upon the corresponding lot, land or premises served by the connection to the water and sewer system of the City. All charges that are delinquent on the first of September of each year and 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 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 Auditor along with other taxes pursuant to Minn. Stat. §§ 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.

230.10. Public Works Commission.

Subd. 1. Commission Maintained. The Public Works Commission (Commission) shall be continued and maintained by the Council.

Subd. 2. Membership. The Commission shall consist of five (5) members appointed by the Council. Each member shall serve for three (3) years with all terms ending at the end of the fiscal year. Not more than two (2) members of the Commission shall be members of the Council and shall hold office on the Commission during their terms of office as Council members. The Commission shall appoint one (1) of its members to chair meetings. Members of the Commission shall be residents of the City and shall be knowledgeable in the functions and operations of the Public Works Department.

Subd. 3. Purpose. The Commission shall be advisory to the Council and the Public Works Superintendent on all matters dealing with streets, roads, sidewalks, cemetery, airport, and such other activities and functions maintained, built and/or managed by the Public Works Department.

Subd. 4. Duties. The Commission shall:

A. Consult with and advise the Public Works Superintendent on the following:

1. Preparation and monitoring of the annual Public Works Department budget;
2. Prioritization of annual work projects including regular maintenance of vehicles, property and other assets of the City for which the Public Works Department is responsible;
3. Long range planning for streets, curbs, gutters, capital equipment, purchasing and other needs of the Public Works Department that require substantial expenditures; and
4. Developing and monitoring policies unique to the Public Works Department.

B. Review citizen concerns regarding issues relevant to the Public Works Department;

C. Make reports and recommendations to the Council;

D. The Chair of the Commission, or designate, shall attend Council meetings when requested by the Council or when the Commission has matters of concern to bring before the Council;

E. Have the responsibility of management, operation and maintenance of the cemetery pursuant to Minn. Stat. Chapter 306 to include, but not be limited to, the following:

1. Rules and Regulations. The Commission 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;
2. Establishment and Location. The established cemetery shall be continued and maintained upon land owned by the City located in Lake County, Minnesota;
3. 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;
4. Sale of Lots. Sale of lots shall be handled by the Administrator's office. The prices of cemetery lots and other services shall be established by the Commission subject to the approval of the Council. Upon payment of the price fixed for a lot,

the purchaser shall be entitled to a revocable license to the lot. The license shall be subject to the rules and regulations adopted by the Commission and approved by the Council;

5. Funds. All monies received from the sale of lots or other services shall be paid to the 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; and

6. Permanent Care and Improvement Fund.

i.) 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 Minn. Stat. §§ 306.37 through 306.41.

ii.) Expenditure and Investment. Twenty percent (20%) of the proceeds from the sale of cemetery lots shall be paid into the Permanent Care and Improvement Fund as provided in Minn. Stat. § 306.38. The Council may appropriate additional funds to meet as necessary.

iii.) Management. The fund shall be managed and the monies invested by the Commission under the direct supervision of the Administrator.

iv.) Reports. The Commission 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.

v.) 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 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.

F. Have the responsibility of management, operation and maintenance of the airport, including, but not limited to, the following:

1. Rules and Regulations. The 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;
2. Reports. The minutes of the Commission, reports, and pertinent correspondence shall be submitted to the Council after each commission meeting;
3. 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 Commission and subject to the approval of the Council;
4. 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;
5. Building Permits. No person shall construct any aircraft hangar, 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 Commission, subject to the approval of the Council; and
6. Aircraft Regulations. No person shall operate an aircraft contrary to federal or state statutes or regulations.

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

Subd. 6. Rules and Regulations. The Commission shall adopt rules for its meeting, including the date and time of meetings, and regulations governing the operation of the Public Works Department.

230.15. Mary Mac Business Center Committee.

Subd. 1. Mary Mac Business Center Committee maintained. The established Mary Mac Business Center Committee (Committee) shall be continued and maintained by the City.

Subd. 2. Membership. The Mayor, subject to the approval of the Council, shall appoint a Mary Mac Business Center Committee consisting of not more than five (5) members. One (1) member of the Committee shall be a Council member and one (1) member shall be appointed from the Planning & Zoning Commission. The Council and Commission members shall serve on the

Committee during their respective term of office, unless otherwise determined by Council action. Of the remaining members, one (1) member shall be the Zoning Administrator, one (1) member shall be a representative of Lake County and one (1) member shall be the Manager of the Mary Mac Business Center.

Subd. 3. Duties. The Committee shall be charged with the responsibility of making recommendations to the Administrator and Council for the most efficient management, operation and maintenance of the Mary Mac Business Center, formerly known as the Mary MacDonald School or Mary MacDonald Center.

Subd. 4. Meetings. Meetings shall be held at such time and place as deemed necessary by the Committee. Notice of meetings may be by email, U.S. mail or telephone and posted at City Hall.

Subd. 5. Compensation. Members of the Commission shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including travel expenses, incurred in performance of their official duties as authorized in advance by the Council. Requests for compensation shall be submitted to the Council in writing prior to being incurred.

Subd. 6. Rules and Regulations. The Committee may establish rules and regulations for operation of the Mary Mac Business Center, subject to the approval of the Council. Violation of the rules and regulations may be grounds for termination of the violator's Lease or such other penalties as the Council may hereafter establish.

Subd. 7. Reports. The minutes of the Committee meetings, reports and correspondence shall be submitted to the Administrator and Council after each Committee meeting.

Subd. 8. Mary Mac Business Center Manager. The Council may appoint a manager who shall have the responsibility for the operation of the Mary Mac Business Center. The duties and authority of the manager are set forth in the job description for that position.

230.16. Business Park Advisory Board.

Subd. 1. Advisory Board maintained. The established Eco-Park Advisory Board is re-named the Business Park Advisory Board (Advisory Board).

Subd. 2. Purpose. The purpose of the Advisory Board is to make recommendations to the Council, the Economic Development Authority, and the Planning and Zoning Commission regarding planning and zoning controls, development regulations, operations, and economic and energy sustainability goals within the Silver Bay Business Park. In fulfilling its purpose, the

Business Park Advisory Board shall:

- A. Assure public accountability and disclosure by means of reviewing and disseminating to the public all reports of the Advisory Board;
- B. Promote adherence to the Business Park's vision statement;
- C. Facilitate open communication between the Business Park Advisory Board and the Silver Bay Community;
- D. Review prospective occupants and tenants for the Business Park; and
- E. Consult from time to time with other Business Park developers and/or ecological consultants.

Subd. 3. Offices. The offices of the Business Park Advisory Board shall be in the City Hall.

Subd. 4. Membership. The Advisory Board shall consist of five (5) members appointed by the Council. There shall be one (1) member from the Economic Development Authority, one (1) member from the Planning and Zoning Commission, two (2) members from the Council (one of which shall also be the representative from the Council to the North Shore Management Board), and one (1) member at large. The Council and Commission members shall serve on the Advisory Board during their respective terms of office, unless otherwise determined by Council action.

Subd. 5. Meetings. Regular meetings of the Advisory Board shall be held on the date and time set forth by the Advisory Board. Regular meetings shall be held no less than annually. Special meetings may be called by the Chair or at the request of two or more members of the Advisory Board. Advisory Board meetings shall be held at City Hall. Notifications of all meetings must be in accordance with the Code. Three of the five Advisory Board members must be present at a properly notified meeting in order to constitute a quorum, although a smaller number may adjourn.

Subd. 6. Compensation. Members of the Commission shall serve without compensation unless otherwise authorized by the Council. Members may be allowed expenses, including travel expenses, incurred in performance of their official duties as authorized in advance by the Council. Requests for compensation shall be submitted to the Council in writing prior to being incurred.

Subd. 7. Officers. The Advisory Board shall elect a Chair and Vice-Chair annually. A member may not serve as Chair and Vice Chair at the same time. The Chair shall preside at all meetings of the Advisory Board shall also have such other powers and duties as customarily belong

to the Chair or that may be designated by the members of the Advisory Board. The Vice-Chair shall perform the duties and exercise the powers of the Chair in his/her absence or incapacity. The Vice-Chair shall perform such other duties as the Advisory Board shall from time to time prescribe.

Subd. 8. Staff and Business Manager. The Advisory Board may recommend to the Council the employment of agents, consultants and employees as it shall deem reasonable and necessary for the furtherance of the purpose of the Advisory Board. The Council may appoint a Business Park Administrator who shall have the duties and authority, as may be established by the Council, in the job description as set forth by the Council.

Subd. 9. Records and Reports. The minutes of the Advisory Board's meetings, reports, correspondence, books, records, lists, documents, and contracts shall be submitted to and maintained by the Administrator after each Committee meeting.

Subd. 10. Miscellaneous.

A. Fiscal Year. The fiscal year of this Advisory Board shall be the same as the fiscal year of the City.

B. Annual Audit. At the end of each fiscal year, the books and records of this Advisory Board shall be audited by such independent or public accountants as may be designated by resolution.

C. Budget. The members of the Advisory Board may prepare an annual budget for its operations. Such budget shall be provided to the City within thirty (30) days after its adoption.

Section 240 - Terms of Boards and Commissions.

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