

CHAPTER 30: CITY COUNCIL

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§ 30.01 MEETINGS.

(A) *Regular meetings.*

(1) Regular meetings of the Council shall be held on the second Monday of each month at 6:00 p.m. Meeting dates and times may be amended by resolution of the City Council at their January Regular Meeting.

(2) Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place.

(3) All meetings, including special meetings, shall be held in City Hall unless the Council decides otherwise at a prior meeting or meeting in City Hall is impossible.

(B) *Special meetings.*

(1) Special meetings shall be called by the Administrator and/or Clerk/Treasurer at the written or verbal request of the Mayor or any two members of the Council.

(2) Notice of the meeting containing the date, time, place, and purpose of the meeting shall be posted on the outside window of the main entrance of City Hall and the Menahga Post Office.

(3) The notice shall be posted at least three days before the meeting date.

(4) The notice shall be mailed, e-mailed, or otherwise delivered three days prior to the meeting to each person who has requested notification with the Administrator and/or City Clerk/Treasurer for all city meeting notices.

(5) In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day.

(C) *Emergency meetings.*

(1) An emergency meeting is a special meeting called because of circumstances that in the judgment of the Council requires immediate consideration.

(2) An emergency meeting may be called by the Mayor or any two Council members.

(3) Posted or published notice of an emergency meeting is not required. However, the city shall make a good faith effort to notify each news outlet and all persons requesting meeting notifications with the Administrator and/or City Clerk/Treasurer by written, verbal or e-mail request.

(4) Members of the Council shall be given notice of the meeting by telephone, e-mail, text or any other effective method to reach members. Notice shall include the subject of the meeting.

(D) *Closed meetings.* When a meeting is closed, the presiding officer will state on the record, the reason for closing the meeting and cite the state statute that permits closing.

(E) *Recessed or continued meetings.*

(1) When a meeting is recessed or continued, the presiding officer shall state the time and place for the meeting to occur and shall record the time and place in the minutes.

(2) No further notice of the recessed or continued meeting is necessary.

(F) *Organizational meeting.* At the first regular Council meeting in January of each year, the Council shall:

(1) Designate the depositories of city funds;

(2) Designate the official newspaper;

(3) Choose one of the Council members as Acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the city or, in case of a vacancy in the Office of Mayor, until a successor has been appointed and qualifies;

(4) Appoint officers and employees and members of boards, commissions and committees, as may be necessary; and

(5) Establish and appoint Council members to Council committees or representatives as are deemed appropriate for the efficient and orderly management of the city.

(G) *Public meetings.* All Council meetings shall be conducted in accordance with the Minnesota Open Meeting Law.

('77 Code, § 201.01) (Am. Ord. 2017-001, passed 3-13-17; Am. Ord. 2018-002, passed 12-10-18)

§ 30.02 PRESIDING OFFICER; PROCEDURE.

(A) *Presiding officer.*

(1) The Mayor shall preside at all meetings of the Council.

(2) In the absence of the Mayor, the Acting Mayor shall preside.

(3) In the absence of both, the Clerk/Treasurer and/or Administrator shall call the meeting to order and shall preside until the Council members present at the meeting choose one of their members to act temporarily as presiding officer.

(B) *Procedure.*

(1) The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the Council on appeal, all questions of procedure and order.

(2) Except as otherwise provided by statute or by these rules, the proceedings of the Council shall be guided, but not bound by *Robert's Rules of Order, Revised*.

('77 Code, § 201.02) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.03 APPEAL PROCEDURE.

(A) Any member may appeal to the Council a ruling of the presiding officer.

(B) An appeal is made by motion. No second is needed for the motion.

(C) The member making the motion may speak solely on the question involved and the presiding officer may explain the ruling, but no other Council member shall participate in the discussion.

(D) Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by all the members present.

(E) The appeal shall be sustained if it is approved by a majority of the members present, including the presiding officer.

('77 Code, § 201.02) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.04 MINUTES; RECORDING AND APPROVAL.

(A) *Recording duties.*

(1) Minutes of each Council meeting shall be kept by the Clerk/Treasurer and/or Administrator or, in his or her absence, by the Deputy Clerk.

(2) In the absence of both, the presiding officer shall appoint secretary pro tem.

(3) Ordinances, resolutions and claims need not be recorded in full in the minutes if they appear in other permanent records of the Clerk/Treasurer and/or Administrator and can be accurately identified from the description given in the minutes.

(B) *Approval of minutes.*

(1) The minutes of each meeting shall be reduced to typewritten form, shall be signed by the Mayor and Clerk/Treasurer and/or Administrator.

(2) Copies of the minutes shall be in the Council packet for the next regular City Council meeting for approval.

(3) The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections.

(4) If there is no objection, the Council shall vote upon the addition or correction.

(5) If there are no additions or corrections, the minutes shall stand approved.

('77 Code, § 201.03) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.05 ORDER OF BUSINESS.

Council business shall be conducted in the following order, unless varied by the presiding officer:

- (A) Call to order;
- (B) Roll call;
- (C) Pledge of Allegiance;
- (D) Approval of agenda:
 - (1) Approval of consent agenda;
 - (2) Approval of minutes;
- (E) Communication and appearance requests;
- (F) Public input;
- (G) Reports by departments and liaison groups;
- (H) Notices and communications;
- (I) Public hearings;
- (J) Unfinished business;
- (K) New business;
- (L) Consideration of bills; and
- (M) Adjournment.

('77 Code, § 201.04) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.06 COMMUNICATION AND APPEARANCE REQUESTS.

(A) All persons desiring to present new business before the Council shall submit an appearance request to the Clerk/Treasurer and/or Administrator at least five working days before the new business is to be heard.

(B) All presentations to the council shall be limited to five minutes, unless otherwise ordered by the Council.

(C) Persons who do not wish to speak before the Council under communication and appearance requests, may be heard under “public input,” which is scheduled for each regular meeting.

(D) Varying order. The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

(E) Agenda. An agenda of business for each regular Council meeting shall be prepared and filed in the office of the Clerk not later than 5 days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each Council member as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for all special meetings. Additions to the agenda at a regular meeting may be added to the agenda at the meeting, if approved by a majority of the Council members present.

('77 Code, § 201.04) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.07 VOTING.

(A) City Council votes shall be taken by voice vote.

(B) A clear statement of the matter being voted on and the names of those voting for and against the matter shall be recorded in the minutes.

(C) Council members may ask for a roll call vote by the Clerk/Treasurer and/or Administrator on any motion.

(D) The Clerk/Treasurer and/or Administrator may ask for a verification roll call vote if the vote of a Council member is not clear on the voice vote.

(E) A majority vote of the quorum present shall be sufficient for all matters before the Council, unless otherwise provided by state statute.

(F) Whenever a matter is put forward for a vote, every Council member shall vote, unless a bona fide conflict of interest, as defined by state law exists.

('77 Code, § 201.05) (Am. Ord. 2017-001, passed 3-13-17)

§ 30.08 COMPENSATION.

(A) Effective January 1, 2025, the salary of the Mayor shall be \$250 per month (which includes the regular meeting) and the salary of each Council member shall be \$200 per month (which includes the regular meeting).

(B) Effective January 1, 2025, the Mayor and each Council member shall receive, in addition to their regular compensation, \$75 for each special meeting and budget meeting of the City Council which they attend.

(C) Effective January 1, 2025, the Mayor and each Council member shall receive, in addition to their regular compensation, \$75 for each meeting they attend, as assigned by the City Council eg. Fire Contract Committee, Union Negotiations Representatives, Policy Meetings, or Representatives for other matters.

('77 Code, §§ 201.08 and 201.09) (Ord. 30.08, passed 10-14-02; Am. Ord. 2012-01, passed 10-9-12)

Revised October 2024

FIRE DEPARTMENT

§ 31.01 CONTINUANCE.

There is continued in the city, a volunteer fire department, which shall have the following officers: a Chief, an Assistant Chief, a Secretary and a Treasurer.

('77 Code, § 203.01)

§ 31.02 APPOINTMENT OF OFFICERS.

(A) The Chief of the Fire Department shall be appointed annually by the Council. Members of the Department may recommend to the Council a nominee for appointment by submitting the same in writing to the Council prior to February 1 of each year. The Chief of the Fire Department shall appoint each year the Assistant Chief, the Secretary and the Treasurer, subject to confirmation by the Council. The Chief of the Fire Department, the Assistant Chief, the Secretary and the Treasurer shall hold office for one year and until the successor has been duly appointed or qualified. The above named officers may be removed by the Council for cause and after a public hearing.

(B) Fire fighters and probationary fire fighters shall be appointed by the members of the Department, subject to confirmation by the Council. Fire fighters shall continue as members of the Department during good behavior and may be removed by the Council only for cause and after a public hearing.

('77 Code, § 203.02)

§ 31.03 DUTIES OF FIRE CHIEF.

(A) The Chief shall have control over all of the fire fighters and shall be solely responsible for the Department's care and condition. The Chief shall make a report monthly to the Council and semi-annually to the Council at its meeting in March and September, as to the condition of the equipment and needs of the Fire Department. Any request for changes in compensation, city contribution to the Fire Relief Association, or pension amount increases, must be requested with a cost impact analysis. The Chief may submit additional reports and recommendations at any meeting of the Council and shall report each suspension of a member of the Fire Department at the first meeting of the Council following each suspension. The Chief shall be responsible for the proper training and discipline of the members of the Fire Department and may suspend any member for refusal or neglect to obey orders pending final action by the Council on the discharge or retention.

('77 Code, § 203.03)

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

('77 Code, § 203.05)

(C) It is the duty of the Chief, when the weather permits, to hold a monthly practice drill of at least a one-hour duration for the Fire Department and to give the fire fighters instruction in approved methods of fire fighting and fire prevention.

('77 Code, § 203.06)

§ 31.04 DUTIES OF FIRE MARSHAL.

The office of Fire Marshal may be held by the Chief or by the Assistant Chief, if the Council approves. He or she shall be charged with the enforcement of laws for fire prevention. The Marshal shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

('77 Code, § 203.04)

Cross-reference:

Fireworks, see Chapter 94

§ 31.05 ASSISTANT FIRE CHIEF.

In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all the authority of the Chief.

('77 Code, § 203.07)

§ 31.06 FIRE FIGHTERS; MEMBERSHIP AND COMPENSATION.

(A) The Chief, the Assistant Chief and all fire fighters and probationary fire fighters shall be not less than 18 years of age and shall be able-bodied. They shall become members of the Fire Department only after a 12-month probationary period. The Council may require that each candidate, before becoming a probationary fire fighter, must satisfy certain minimum qualifications, which may be specified by the Council, and must pass a satisfactory physical examination.

('77 Code, § 203.08)

(B) Fire fighters absent from three consecutive drills or calls, unless excused by the Chief, shall forfeit membership in the Department.

('77 Code, § 203.09)

(C) Compensation shall be established by the Council.

('77 Code, § 203.10)

(D) Persons who have been members of the Fire Department for at least one year at the time of the adoption of this code section shall not be required to serve a probationary period before receiving rating.

('77 Code, § 203.11)

§ 31.07 INTERFERENCE WITH OFFICERS.

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

('77 Code, § 203.12) Penalty, see § 10.99

§ 31.08 FEES FOR EMERGENCY PROTECTION FIRE SERVICES.

(A) *Purposes and intent.* This section is adopted for the purpose of authorizing the City of Menahga to charge for fire service as authorized by M.S. §§ 366.011, 366.012, and 415.01.

(B) *Definitions.* For this section, the following definitions shall apply unless the context indicates or requires a different meaning.

FIRE PROTECTION CONTRACT. A contract between the city and a town or other city for the city to provide fire service.

FIRE SERVICE. Any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

FIRE SERVICE CHARGE. The charge imposed by the city for receiving fire service.

MOTOR VEHICLE. Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.

MUTUAL AID AGREEMENT. An agreement between the city and a town or other city for the city's Fire Department to provide assistance to the Fire Department of a town or other city.

(C) *Parties affected.*

(1) Owners of property within the city who receive fire service.

(2) Anyone who receives fire service as a result of a motor vehicle accident or fire within the city.

(3) Owners of property in towns or cities to which the city provides fire service pursuant to a fire protection contract.

(D) *Rates.* The charges for services shall be set and amended from time to time by resolution of the City Council and included on the fee schedule of the city.

(E) *Billing and collection.*

(1) Parties requesting and receiving fire services shall be billed directly by the city. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(2) Parties billed for fire service will have 30 days to pay. If the fire service charge cannot be paid in full within 30 days, arrangements may be made with the Deputy Clerk for six (6) equal monthly installments of the unpaid fire charge. If the fire service charge is not paid by that time, it will be considered delinquent, and the city will send a notice of delinquency.

(3) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the city will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the city including, but not limited to, reasonable attorney fees and court costs.

(4) Pursuant to M.S. § 366.011, if the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before November 30th of each year, certify the unpaid fire service charge to the County Auditor in which the recipient of the services owns real property for collection with property taxes. The County Auditor is responsible for remitting to the city all charges collected on behalf of the city. The city must give the property owner notice of its intent to certify the unpaid fire service charge by October 15.

(5) False alarms will be billed as a fire call.

(F) *Mutual aid agreement.* When the city Fire Department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

(G) *Application of collections to budget.* All collected fire charges will be designated as city funds and will be deposited into the City's General Fund, to be designated by the City Council, to offset the cost of operations of the Fire Department.

(Ord. 31.08, passed 1-14-08) Revised October 2024

POLICE DEPARTMENT

§ 31.20 ESTABLISHMENT.

A Police Department is hereby continued. The head of the Department shall be known as the Chief of Police and the number of additional members of the Department, together with their ranks and titles, shall be determined by the Council by resolution. The compensation to paid members of the Police Department shall be fixed by the Council. Members of the Department shall be appointed by the Council.

('77 Code, § 202.01)

§ 31.21 CHIEF OF POLICE.

The Chief of Police shall have supervision and control of the Police Department and its members. He or she shall be responsible to the Council for law enforcement and for property of the city used by the Department. He or she shall be responsible for the proper training and discipline of the members of the Department. He or she shall be responsible for the keeping of adequate records and he or she shall report to the Council on the needs of the Department and its work. Every member of the Department subordinate to the Chief shall obey the instructions of the Chief and any superior officer. The Council shall designate one (1) of the police officers as Acting Chief, who shall have all the powers and duties of the Chief during his or her absence or disability.

('77 Code, § 202.02)

§ 31.22 DUTIES OF OFFICERS.

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. Members of the Police Department shall serve processes on behalf of the city and shall serve notices as may be required by the Council or other authority. When the city is not party to the proceedings or involved in the process or notice, the officer shall collect the same fees as provided by law for town constables. All fees shall be paid into the City Treasury.

('77 Code, § 202.03)

§ 31.23 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. The city shall furnish each full-time officer with a badge, which, upon termination of membership in the Department, the member shall immediately deliver to the city, along with all other city property. The city shall furnish each part-time officer with a uniform and badge. Upon termination of membership in the Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

('77 Code, § 202.04)

§ 31.24 SPECIAL OFFICERS.

In case of a riot or other law enforcement emergency, the City Council may appoint for a specified time as many emergency assistants to the Chief of Police as may be necessary for the maintenance of law and order. During the term of appointment, the emergency assistants to the Chief of Police shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police.

('77 Code, § 202.05)

§ 31.25 RESIDENCE REQUIREMENTS.

The City Council has found it necessary for the welfare and protection of city residents to require police officers to live close enough to the city to be able to respond to a call within 15 minutes.

Therefore, all city police officers shall live close enough to the city to be able to respond to a call within 15 minutes driving the posted speed limit.

(Ord. 8, passed 7-9-84)

CRIMINAL HISTORY CHECKS

§ 31.30 PERSONS SUBJECT TO CRIMINAL HISTORY CHECKS.

(A) The City Council of the City of Menahga hires, appoints and contracts with individuals for the following positions: all staff positions; volunteer firefighters; citizens on patrol (COPS) and other entities designated as neighborhood watch programs; City Boards and Committees; and independent contractors hired to perform specific contracts or services.

(B) In addition, the city accepts filings for those wishing to run for elective offices and issues various licenses and permits pursuant to the City Code.

§ 31.31 APPLICATIONS.

Individuals applying for the above list of activities in § 31.30 will complete an application with the City Clerk or City Administrator with respect to city offices and with directors of the other agencies mentioned in the above list in § 31.30.

§ 31.32 WAIVER STATEMENT TO BE ON APPLICATIONS.

The following waiver language shall appear on all applications.

Everything that I have stated in this application is correct to the best of my knowledge. I understand that you will retain this application whether or not it is approved. You are authorized to conduct a criminal history check.

§ 31.33 INFORMATION ON APPLICATION.

Applications submitted to the Chief of Police for background checks must include the following information:

- (A) Name, place and date of birth, and residence address;
- (B) Whether the applicant has ever used or been known by a name other than his or her present name, and if so, the names so used and any additional information concerning dates and places where those names were used;
- (C) Whether the applicant is married or single. If married, the name, place and date of birth, and residence of the applicant's present spouse;
- (D) Whether the applicant, applicant's spouse, or a parent, brother, sister or child of either of them has been convicted of any felony, crime or violation or any city ordinance other than traffic matters and petty misdemeanors. If so, the applicant shall furnish information regarding the time, place, and offense for which convictions were had; and
- (E) Any other information as the city or other agency may require.

§ 31.34 REFERRAL TO CHIEF OF POLICE.

All applications will be referred to the Chief of Police for verification and investigation of the facts set forth in the application. Investigations shall include, but not be limited to, a criminal history records check. The Chief of Police will cause to be made an investigation of the information requested in § 31.33 as shall be necessary and a list of all violations of federal or state law or municipal ordinance and other facts that weigh upon the public interest in considering an application.

§ 31.35 VERIFICATION.

Upon investigation and verification of the facts set forth in the application, the City Clerk or City Administrator may use the data compiled to approve or deny an applicant's application.

§ 31.36 OTHER INVESTIGATIONS.

Nothing in this subchapter will prohibit the Chief of Police from conducting other investigations and background checks including driver's license checks and credit checks as authorized by state or federal law.

§ 31.37 EFFECTIVE DATE

The effective date of this subchapter will be its date of publication.

PLANNING COMMISSION

§ 31.35 ESTABLISHMENT.

A Planning Commission for the city is established. The Commission shall be the city planning agency authorized by M.S. § 462.354, Subdivision 1, as it may be amended from time to time.

('77 Code, § 204.01) (Am. Ord. 2018-001, passed 2-12-18)

§ 31.36 COMPOSITION AND MEMBERSHIP.

(A) The Planning Commission shall consist of five members from the resident population of the city, or a business owner appointed by the Mayor with the approval of the Council.

(1) The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment.

(2) Upon expiration of a term, the appointee shall continue until reappointed, or a successor is appointed.

(3) It is the duty of each member to be present at all Planning Commission meetings. Absence from any three meetings in a year, unless excused in advance by the chair, constitutes a vacancy.

(4) In the event of any vacancy, the Mayor, with the approval of the Council, shall appoint a person to complete the unexpired term.

(B) One member shall be a Council member appointed by the Mayor with Council approval, for a one-year term to expire on December 31 of each year.

(C) Other people may serve in an ex-officio capacity as the Council deems appropriate. Ex-officio members will not have voting rights.

(D) Each of the five regular Planning Commission members shall have equal voting privileges.

(E) Any member may be removed for cause by a 4/5 majority vote of the City Council upon written charge and after a public hearing held by the City Council.

('77 Code, § 204.02) (Am. Ord. 2018-001, passed 2-12-18)

§ 31.37 ORGANIZATION AND MEETINGS.

(A) At the first regular meeting in January, the Commission shall elect a Chair and Vice Chair from among its appointed members, each for a term of one year.

(B) The Commission may create and fill other offices as it may determine.

(C) The Commission shall meet monthly on the first Thursday of each month, unless otherwise determined by the Commission.

(D) Special meetings may be called at any time by the Chair, or in case of the Chair's absence, by the Vice Chair.

(E) Written minutes of meetings shall be kept and filed with the Clerk/Treasurer and/or Administrator prior to the next regularly scheduled Council meeting, but shall be subject to approval at the next Planning Commission meeting.

(F) No expenditures by the Commission shall be made unless and until authorized for the purpose by the Council.

('77 Code, § 204.03) (Am. Ord. 2018-001, passed 2-12-18)

§ 31.38 DUTIES AND POWERS; EXECUTION OF PLANS.

(A) Powers and duties. The Planning Commission shall have the powers and duties given city planning agencies generally by law and shall also exercise the duties conferred upon it by this code.

(B) Comprehensive plan.

(1) The Planning Commission shall prepare and recommend council adoption of a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for traffic movement, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city.

(2) The plan may be prepared in sections, each of which shall relate to the overall comprehensive plan.

(3) The Commission shall periodically, but at least every five years, review the comprehensive plan and any ordinances or program implementing the plan.

(4) Following Council adoption of the comprehensive plan or any section of the plan, the Commission shall recommend to the Council reasonable and practicable means for implementing the plan or sections.

(5) The plan will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective.

(6) Means of effectuating the plan shall, among other things, consist of zoning ordinances, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the Council.

(C) Zoning Code. The Planning Commission shall review all proposed amendments to the zoning chapter, hold public hearings and make recommendations to the Council as prescribed by the zoning chapter.

(D) Conditional Use and Interim Use Permits. The Planning Commission shall make recommendations on all conditional use permit requests under the terms of the zoning

chapter. The Commission shall report its recommendations to the Council for council action.

(E) Subdivision of land and rezone requests. The Planning Commission shall make recommendations in relation to the subdividing of land and rezone requests as prescribed by the zoning chapter. The Commission shall report its recommendation to the Council for council action.

(F) Capital improvement plan.

(1) The Planning Commission shall list and classify all proposed public works projects and shall prepare a coordinated program of proposed public works projects for the ensuing year and for a projected five-year period. The Planning Commission shall recommend to the Council all needed updates to the plan.

('77 Code, § 204.04)

(G) Variances. All applications for variances shall be referred to the city's Planning Commission and forwarded with or without recommendations directly to the Council for its decision.

(H) Other Duties.

(1) To hold Public Hearings for the City as directed by the City Council. All Public Hearings will be held in accordance to Minnesota Statute 394.26 which requires placing notice in the Official Newspaper, required notifications and posted at City Hall at least 10 days prior to the meeting.

(2) To acknowledge all metes and bounds property divisions within the City that result in parcels under 5 acres.

('77 Code, § 204.05) (Am. Ord. 2018-001, passed 2-12-18)

§ 31.39 COMPENSATION.

Each commission member shall receive compensation for each meeting the member attends. Compensation will be set by resolution of the City Council from time to time.

(Am. Ord. 2018-001, passed 2-12-18)

Revised October 2024

GREENWOOD CONNECTIONS BOARD (DRAFT ORDINANCE 8.30.24)

§ 31.50 ESTABLISHMENT AND AUTHORITY

Greenwood Connections Board ("Board") is hereby established and authorized to manage and operate Greenwood Connections, pursuant to Minn. Stat. § 447.41, as amended.

(Ord. passed 3-13-00; Am. Ord. 31, passed 3-14-16)

§ 31.51 NAME.

The nursing home, and home for the aged, and related facilities managed and operated by the Board is hereby collectively named Greenwood Connections. The nursing home may also be known or referred to as Green Pine Acres Nursing Home, and the assisted living known or referred to as Woodside Manor.

(Ord. passed 3-13-00; Am. Ord. 31, passed 3-14-16)

§ 31.52 BOARD COMPOSITION, APPOINTMENT, AND TERM LIMITS.

The Board shall be composed of seven members, two of whom shall be members of the City of Menahga (City) City Council, appointed by the City Council on an annual basis. The remaining five members of the Board shall serve for a term of four years. At all times a minimum of five of the members of the Board shall be residents and qualified voters of the City. A member shall serve for a maximum of three consecutive terms. The City Council, at its meeting in December, shall appoint appropriate persons to succeed the members whose terms expire in such year. Vacancies on the Board shall be filled by appointment by the Mayor with City Council approval. Board members will be compensated for each meeting they attend with the amount to be determined and recommended from time to time by the board and ratified by City Council. In the event that an ad hoc committee is needed they will be compensated for each meeting they attend with the amount to be determined and recommended from time to time by the board and ratified by the City Council.

(Ord. passed 3-13-00; Am. Ord. 31.52, passed 3-14-11; Am. Ord. 31, passed 3-14-16)

§ 31.53 BOARD OFFICERS.

Each year in January at the first regular meeting of the Board, the Board shall elect the Board President and Vice-President from members of the Board, and the Board Secretary, who may be a non-Board member. The Board President is the presiding officer for all Board meetings. The Board Vice-President shall perform the duties of the Board President in the case of absence or incapacity. The Board Secretary shall take Board meeting minutes and provide the City's designated responsible authority and/or designee with the minutes within ten days after each meeting.

(Ord. passed 3-13-00; Am. Ord. 31, passed 3-14-16)

§ 31.54 BOARD POWERS AND DUTIES.

The Board or its Designee, to the extent permissible by law, shall have the power to:

- (1) Require a bond of any officer or employee and pay the premium thereon;
- (2) Recommend hiring and terminating of employees to the City Council.
- (3) Effect all necessary insurance;
- (4) Approve repairs of Greenwood Connections and its contents;
- (5) Administrator has authority to purchase all necessary equipment, apparatus and supplies up to \$25,000. Splitting of purchase orders to create orders of \$25,000 or less which cumulatively would exceed \$25,000 is prohibited.
- (6) Receive and accept all donations and contributions for Greenwood Connections and related purposes and manage any such gifts that may be in the form of securities or property; subject to acceptance by the City Council.

The Board shall reserve unto itself the following powers:

- (7) Establish such committees as it sees fit;
- (8) A search committee to replace the Greenwood Connections Administrator will consist of: the entire City Council, two Greenwood Connections Board Members, two Greenwood Connections supervisory staff and City Clerk/Treasurer. The City Council shall be responsible for the appointment of a qualified individual to function as the Greenwood Connections Administrator, with a recommended compensation package.
- (9) The Board shall approve the budget including rates and suitable charges for Greenwood Connections, and for payment and collection of the rates and charges; subject to approval by the City Council.
- (10) The Board shall recommend capital improvement/purchases over \$25,000; subject to City Council approval.
- (11) The Board shall meet monthly and all meetings must comply with the open meeting law pursuant to Minnesota Statutes;
- (12) The Board shall establish salary scales and benefit program for employees; subject to City Council approval.
- (13) Each member of the board shall serve in good faith and in a diligent and responsible manner with a duty of loyalty to exercise his or her authority on behalf of the institution rather than for any personal gain or benefit;
- (14) The Board shall meet annually in joint session with the City Council to hear the report of the Auditor, review the Auditors management letter and review the operations of Greenwood Connections.

(Ord. passed 3-13-00; Am. Ord. 31, passed 3-14-16)

§ 31.55 ESTABLISHMENT AND AUTHORITY OF GREENWOOD CONNECTIONS ADMINISTRATOR.

The Greenwood Connections Administrator is hereby established for the purposes of carrying out the administration of Greenwood Connections and its related facilities' management and operations and is directly responsible to the Board. To the extent deemed necessary by the board including the duties provided in 31.54 at the discretion of the Board. The City Council authorizes the GWC Administrator to approve and sign all contracts with the following restrictions: Purchase of capital and non-capital items or contracts over \$25,000 shall first be approved by City Council. All employment contracts and final authority for hiring and terminations of employees shall be approved by the City Council monthly.

§ 31.56 FUNDS, ACCOUNTING AND PAYMENT OF ACCOUNTS.

All earnings of Greenwood Connections together with all contributions and other funds procured for the maintenance and improvement of Greenwood Connections shall be deposited into the nursing home fund. All checks drawn on the account of Greenwood Connections shall contain two signatures. One signature shall be of either the Greenwood Connections Administrator, Mayor or City Clerk/Treasurer. The second signature shall be either the Business Office Manager, Mayor, City Clerk/Treasurer, Deputy Clerk/Treasurer or Deputy Mayor. The City Council authorizes the Greenwood Connections Administrator and Greenwood Connections Business Office Manager to make regular expenditure payments for Greenwood Connections to include payroll expenditures, regular cyclical payments and payments for all necessary equipment, apparatus, and supplies. The Board authorizes the Greenwood Connections Administrator to approve and make the payment of regular expenditures and any single capital item of purchase not specifically included in the budget that does not exceed \$25,000. All capital items of purchase of more than \$25,000 shall first be approved by the City Council. The Greenwood Connections Board/Administrator shall keep accurate accountings of all monies received and disbursed by it and of all outstanding credits and liabilities and shall furnish to the Council on a monthly basis an itemized list of all checks written and a financial statement showing monthly income, expenditures and fund balances. The books, accounts and funds of the facility shall be audited in the same manner as all other funds of the city.

(Ord. passed 3-13-00; Am. Ord. 31, passed 3-14-16)

§ 31.57 AUTHORITY RESERVED BY CITY COUNCIL

The City Council shall, to the extent permissible by law, have the exclusive authority to:

- (1) Construct any additional nursing homes and related facilities;
- (2) Construct any appurtenant structures;
- (3) Acquire any real property;
- (4) The City shall withdraw, by referendum vote only, its interest in a nursing home or home for the aged.
- (5) Levy or impose taxes for the operation and maintenance of any part of Greenwood Connections.

DRAFT ORDINANCE 8.30.24

