

TITLE III: ADMINISTRATION

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CHAPTER 30: CITY OFFICIALS AND EMPLOYEES

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City Officials

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CITY OFFICIALS

§ 30.01 TERMS OF OFFICE; ELECTIONS.

(A) *Term of Mayor.* Pursuant to M.S. § 412.022, Subd. 1, as it may be amended from time to time, the term of Mayor in the City of Nashwauk is hereby established to be 2 years.

(B) *Term of Council.* Pursuant to M.S. § 412.02, Subd. 1, as it may be amended from time to time, the term of Council Members in the City of Nashwauk is hereby established to be 4 years.

(C) *City election.* Pursuant to M.S. § 205.07, Subd. 1, as it may be amended from time to time, the regular city election shall be held on the first Tuesday after the first Monday in November in every even-numbered year commencing with elections in 2006.

(D) *Changes in term.* Whenever this change in the election year results in the expiration of any current term at a time when no city election is held in the months immediately prior to expiration, the term is extended until the date for taking office following the next scheduled municipal election. Those terms set to expire in 2005 will be extended to 2006. These terms set to expire in 2007 will be extended to 2008.

(E) *Effective date.* This section shall take effect upon its passage and publication.
(Ord. 209-04, passed - -)

§ 30.02 CITY CLERK/TREASURER.

(A) From the effective date of this section, the Offices of City Clerk and City Treasurer shall be combined into 1 office to be known as City Clerk/Treasurer.

(B) This section shall be in force and effect from and after its passing and publication according to law.

(Ord. 160, passed 2-5-1985)

§ 30.03 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

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

CITY EMPLOYEES

§ 30.15 RESIDENCY REQUIREMENTS.

Employees of the Fire Department must reside within 20 minutes of the city.

§ 30.16 CITY EMPLOYMENT BACKGROUND CHECKS.

(A) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described below.

(B) *Criminal history employment background investigations.* The Nashwauk Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed: all full- or part-time employees, regardless of position.

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

(D) Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 13, as it may be amended from time to time,

regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial;
 - (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;
 - (3) The earliest date the applicant may reapply for employment;
 - (4) That all competent evidence of rehabilitation will be considered upon reapplication.
- (Ord. 216-09, passed 7-28-2009)

CHAPTER 31: CITY PROPERTY

Section

General Provisions

31.01 Smoking in city buildings prohibited

Public Library

31.15 Establishment, maintenance, and supervision

Cross-reference:

City Officials and Employees, see Ch. 30

Public Works, see Title V

GENERAL PROVISIONS

§ 31.01 SMOKING IN CITY BUILDINGS PROHIBITED.

(A) *Purpose.* Due to the fact that the smoking of tobacco or any other weed or plant is a cause of material annoyance and discomfort to those who are present in confined places and is a danger to the health of the public, the City of Nashwauk hereby declares that the purposes of this section are to protect the public health and welfare of prohibiting smoking in the City Hall and in all enclosed city-owned or city-leased facilities.

(B) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SMOKING. The act of burning any tobacco product, weed, filler, or plant of any kind in a cigarette, cigar, pipe, or in any other device, including but not limited to the act of smoking or carrying a lighted or smoldering cigar, cigarette, or pipe of any kind or lighting a cigar, cigarette, or pipe of any kind.

(C) *Prohibition signage.* The City of Nashwauk shall post signs prohibiting smoking in conspicuous areas of all city-owned or city-leased buildings and the city shall further place ash trays or similar fireproof containers at or near the main entrance to each enclosed city-owned or city-leased facility within a reasonable time after the passage of this section.

(D) *Interpretation.* The provisions and requirements of this section shall be in addition to any provision or requirement of any other applicable law, ordinance, rule, or regulation.

(E) *Effective date.* This section shall be effective upon its passage and publication. (Ord. 167, passed 3-7-1988) Penalty, see § 10.99

PUBLIC LIBRARY

§ 31.15 ESTABLISHMENT, MAINTENANCE, AND SUPERVISION.

(A) There is hereby established a public library in the City of Nashwauk.

(B) (1) The public library shall be under the jurisdiction of a board of 5 directors known as “The Library Board of the City of Nashwauk.”

(2) The general statutes of Minnesota applying to public libraries and reading rooms shall govern the appointment of the board members, their tenure in office, and their powers and duties.

(C) (1) For the purpose of maintaining the library, the City Council annually shall levy a tax upon all the taxable property in the city not exceeding 5 mills on the dollar.

(2) The proceeds of the tax, together with all other moneys received for the library, shall be paid into the city treasury and credited to a special fund to be known as “The Library Fund.”

(D) It shall be unlawful for any person:

(1) Willfully to commit any injury to any property of the public library;

(2) Willfully damage or mutilate any book or periodical belonging to the library; or

(3) Willfully fail to return any book or periodical belonging to the library after the expiration of the time for which the book or periodical may be kept according to the rules and regulations duly adopted by the board of the public library.

(E) Any person violating any provision of division (D) above shall be guilty of a misdemeanor.

(Ord. 75, passed 9-15-1952) Penalty, see § 10.99

CHAPTER 32: EMERGENCY MANAGEMENT

Section

32.01 Policy and purpose

32.02 Definitions

32.03 Establishment of emergency management organization

- 32.04 Powers and duties of Director
- 32.05 Local emergencies
- 32.06 Emergency regulations
- 32.07 Emergency management a government function
- 32.08 Participation in labor disputes or politics

- 32.99 Penalty

§ 32.01 POLICY AND PURPOSE.

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- (A) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters;
- (B) To provide for the exercise of necessary powers during emergencies and disasters;
- (C) To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and
- (D) To comply with the provisions of M.S. § 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

§ 32.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT.

(1) The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps.

(2) These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications,

radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions.

(3) **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as “civil defense” functions.

EMERGENCY MANAGEMENT FORCES.

(1) The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder.

(2) This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION.

(1) The staff responsible for coordinating city-level planning and preparation for disaster response.

(2) This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

§ 32.03 ESTABLISHMENT OF EMERGENCY MANAGEMENT ORGANIZATION.

(A) There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director.

(B) The Director shall be appointed by the Mayor with approval of the City Council for an indefinite term and may be removed by him or her at any time.

(C) The Director shall serve with a salary as established by the City Council and shall be paid his or her necessary expenses.

(D) The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

§ 32.04 POWERS AND DUTIES OF DIRECTOR.

(A) (1) The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management.

(2) The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action

(3) These arrangements shall be consistent with the State Emergency Plan.

(B) (1) The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy

for emergency management and to plan for their most efficient use in time of an emergency or disaster.

(2) The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

(C) (1) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval.

(2) When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved.

(3) The plan may be modified in like manner from time to time.

(4) The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

(D) In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

(E) (1) The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable.

(2) The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request.

(3) The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

(F) (1) The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state.

(2) To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

(G) Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. § 12.25, as it may be amended from time to time.

(H) The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

(I) The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

§ 32.05 LOCAL EMERGENCIES.

(A) (1) A local emergency may be declared only by the Mayor or his or her legal successor.

(2) It shall not be continued for a period in excess of 3 days except by or with the consent of the Council.

(3) Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk/Treasurer.

(B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance thereunder.

(C) (1) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

(2) However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

Penalty, see § 32.99

§ 32.06 EMERGENCY REGULATIONS.

(A) Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting:

(1) The conduct of persons and the use of property during emergencies;

(2) The repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations, drills, or practice periods required for preliminary training; and

(3) All other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) (1) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk/Treasurer.

(2) A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk/Treasurer's office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution.

(3) By resolution, the Council may modify or rescind a regulation.

(C) (1) The Council may rescind any regulation by resolution at any time.

(2) If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first.

(3) Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

(D) (1) During a declared emergency, the city is, under the provisions of M.S. § 12.31, as it may be amended from time to time, and notwithstanding any statutory or Charter

provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster.

(2) The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

Penalty, see § 32.99

§ 32.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

(A) All functions and activities relating to emergency management are hereby declared to be governmental functions.

(B) The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

§ 32.08 PARTICIPATION IN LABOR DISPUTES OR POLITICS.

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

§ 32.99 PENALTY.

Any person who violates any provision of this chapter or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

Cross-reference:

General penalty, see § 10.99

CHAPTER 33: BOARDS AND COMMISSIONS

Section

Public Utilities Commission

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PUBLIC UTILITIES COMMISSION

§ 33.001 ESTABLISHING PUBLIC UTILITIES COMMISSION.

The provisions of M.S. §§ 412.331 through 412.391 shall govern the establishment of a Nashwauk Public Utilities Commission.
(Ord. 211-06, passed 6-19-2006)

§ 33.002 MEMBERSHIP.

The Commission shall consist of 3 members appointed by the Council. No more than 1 member may be chosen from the council members.
(Ord. 211-06, passed 6-19-2006)

§ 33.003 TERM.

(A) Each member shall serve for a term of 3 years and until a successor is appointed and qualified.

(B) Initially upon establishment the member shall be for a 1 year term.

(C) The second member shall be for a term of 2 years and the third member shall be for a term of 3 years. All subsequent terms will be for 3 years.

(D) Residence shall not be a qualification for a membership unless the Council provides otherwise.

(Ord. 211-06, passed 6-19-2006)

§ 33.004 VACANCY.

Any vacancy shall be filled by the Council for the unexpired term.
(Ord. 211-06, passed 6-19-2006)

§ 33.005 MEETINGS.

(A) The Commission shall meet at least once per month. Additional meetings can be established by the Commission.

(B) All Commission meetings are public meetings except as permitted by statute.
(Ord. 211-06, passed 6-19-2006)

§ 33.006 OFFICERS.

The Commission shall annually select a president. The Commission shall appoint a secretary for an indefinite term. The secretary need not be a member of the Commission and may be the City Clerk.

(Ord. 211-06, passed 6-19-2006)

§ 33.007 SALARY.

The Commission shall not receive a salary unless fixed by the Council. The Commission shall affix the salary of the Secretary.

(Ord. 211-06, passed 6-19-2006)

§ 33.008 JURISDICTION.

The Council has determined that the jurisdiction of the Commission includes

(A) The City Water System;

(B) Light and power, current and future system;

(C) Gas system, sanitary or storm water system or both including, the city sewage disposal plant and district heating system and public buildings owned or leased by the city.

(Ord. 211-06, passed 6-19-2006)

§ 33.009 POWERS.

The Commission shall have the power to extend, modify or rebuild any public utility as defined in M.S. § 412.351, and do anything it deems necessary for the proper and efficient operation.

(Ord. 211-06, passed 6-19-2006)

§ 33.010 CONTRACT.

The Commission may enter into contracts for the purposes in the chapter. Contracts must comply with the municipal contracting law on building.
(Ord. 211-06, passed 6-19-2006)

§ 33.011 ADDITIONAL POWERS.

The Commission shall have the powers as outlined in M.S. § 312.361, Subd. 2-5 as follows:

- (A) Employ all necessary help for operations, set their compensation and define their job duties;
- (B) To buy all fuel and supplies;
- (C) Fix rates and adopt rules, regulations and services supplied within the city;
- (D) To enter into agreements with city, payment of utility service, use of buildings, equipment and personnel;
- (E) Transfers of supplies and funds to the general fund; and
- (F) Agreements with the Council on other subjects.

(Ord. 211-06, passed 6-19-2006)

§ 33.012 ACCOUNTING.

- (A) There shall be a separate fund or account established by the City Treasurer for all receipts and disbursements.
- (B) The Commission must audit claims to be paid from the public utilities fund.
- (C) The City Treasurer shall pay orders upon counter signature of the president of the Commission.

(Ord. 211-06, passed 6-19-2006)

§ 33.013 AUDIT.

- (A) The accounting officer of the Commission must make such monthly or annual statements of operations as the Commission may require.
- (B) A copy of such report shall be filed in the office of the City Clerk.
- (C) An annual financial report shall be made and a copy filed with the City Clerk at the close of the calendar year.
- (D) The report shall be part of the City Clerk's annual report.
- (E) The cost of publishing of any official statements required by law shall be paid from a public utility funds.

(Ord. 211-06, passed 6-19-2006)