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MEETINGS

' 3.1.01 REGULAR MEETINGS.

Regular meetings of the City Council shall be held on the third Wednesday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday or which conflicts with other significant events as designated by the Council shall be reset and held at a time to be set by the Council. The new time and date will be posted as required by law. All meetings, including special and adjourned meetings, shall be held in the designated city hall meeting room at the city pavilion unless the City Council decides otherwise at a prior meeting or posts a different location for a scheduled meeting consistent with the requirements of Minnesota Statute.

' 3.1.02 SPECIAL MEETINGS.

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

' 3.1.03 INITIAL MEETING.

At the first regular Council meeting in January of each year the Council shall:

- (A) Designate the depositories of city funds:
- (B) Designate the official newspaper;
- (C) Choose one of the councilors as acting mayor, who will perform the duties of the mayor during the disability or absence of the mayor from the city, or in case of vacancy in the office of mayor, shall serve until a successor has been appointed and qualified;
- (D) Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary;
- (E) Establish and appoint councilors to such City Council committees as are deemed appropriate for the efficient and orderly management of the city.

PRESIDING OFFICER

' 3.1.04 WHO PRESIDES.

The mayor will preside at all meetings of the City Council. In the absence of the mayor, the acting mayor will preside. In the absence of both, the Clerk-Treasurer will call the meeting to order and will preside until the councilors present at the meeting choose one of their number to act temporarily as presiding officer.

' 3.1.05 PROCEDURE.

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

' 3.1.06 APPEAL PROCEDURE.

Any councilor may appeal to the City Council a ruling of the presiding officer. If the appeal is seconded, the councilor may speak once solely on the question involved and the presiding officer may explain the ruling, but no other councilor shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the councilors present, including the presiding officer.

MINUTES

' 3.1.07 WHO KEEPS.

Minutes of each City Council meeting shall be kept by the Clerk-Treasurer or, in the Clerk-Treasurer's absence, 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 Clerk-Treasurer and can be accurately identified from the description given in the minutes.

' 3.1.08 APPROVAL.

The minutes of each meeting shall be reduced to typewritten form and shall be signed by the Clerk-Treasurer, and copies thereof shall be delivered to each councilor as soon as practicable after the meeting. At the next regular City Council meeting following such delivery, approval of the minutes shall be considered by the City 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 City Council. If there is an objection, the City Council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

ORDER OF BUSINESS

' 3.1.09 ORDER ESTABLISHED.

(A) Each meeting of the City Council shall convene at the time and place appointed therefore.

(B) City Council business shall be conducted in the following order unless varied by the presiding officer:

- (1) Call to order;
- (2) Roll call;
- (3) Approval of minutes;
- (4) Consent agenda including the approval of bills and expenditures;
- (5) Public hearings;
- (6) Ordinances and resolutions;
- (7) Reports of officers, boards, and committees;
 - a. Water/Sewer Report
 - b. Liquor Store Report
 - c. Parks and Recreation

- (8) Unfinished business;
- (9) New business;
- (10) Miscellaneous;
- (11) Reports of Trustees, Clerk-Treasurer & Mayor; and
- (12) Adjournment.

' 3.1.10 PETITIONS AND AGENDA.

Petitions and other papers addressed to the City Council shall be read by the Clerk-Treasurer upon presentation of the same to the City Council. All persons desiring to present new business before the City Council shall inform the Clerk-Treasurer thereof at least 72 hours before new business is to be heard. The Clerk-Treasurer may prepare an agenda of such new business for submission to the City Council on or before the time of the next regular meeting. The mayor and City Council retain the right to consider new business brought to the attention of the Council as of the time of the meeting upon approval of a majority of the Council.

VOTING

' 3.1.11 VOTING PROCEDURE.

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

' 3.1.12 QUORUM.

With regard to all City Council meetings, unless a specific number is required by statute, a majority of all the councilors elected shall constitute a quorum for the transaction of business. A majority vote of all members of the City Council shall be necessary for approval of any ordinance, unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall suffice in all other cases.

ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS

' 3.1.13 SIGNING AND PUBLICATION PROOF.

Every ordinance, modification to the Code and resolution passed by the City Council shall be signed by the Mayor, attested by the Clerk-Treasurer, and filed by the Clerk-Treasurer in the ordinance, code or resolution book. Proof of publication of every ordinance as codified shall be attached and filed with the ordinance.

' 3.1.14 REPEALS AND AMENDMENTS.

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

RULES

' 3.1.15 SUSPENSION OR AMENDMENT OF RULES.

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

COMPENSATION

' 3.1.16 SALARIES OF MAYOR AND CITY COUNCILORS.

Compensation of the Mayor shall be \$150.00 for each regular City Council meeting attended; \$62.50 for each ½ day seminar/meeting or special meeting (4 hours or less); \$125.00 for each full day seminar, meeting, or special meeting (more than 4 hours).

Compensation of the councilors shall be \$75.00 for each regular City Council meeting; \$62.50 for each ½ day seminar/meeting or special meeting (4 hours or less); \$125.00 for each full day seminar, meeting, or special meeting (more than 4 hours). The

amounts set forth for compensation will be reviewed annually and will be modified from time to time by majority vote of the Council.

' 3.1.17 OFFICIAL MEETINGS.

With regard to compensation paid to attend meetings, all monthly meetings are eligible for compensation, plus attendance at all special meetings so designated by a majority of the council.

3.2: VOLUNTEER FIRE DEPARTMENT

Section

Volunteer Fire Department

- 3.2.01 Establishment
- 3.2.02 Nomination and appointment
- 3.2.03 Duties of Chief
- 3.2.04 Duties of Fire Marshal
- 3.2.05 Records
- 3.2.06 Practice drills
- 3.2.07 Assistant Chief
- 3.2.08 Firefighters
- 3.2.09 Loss of membership
- 3.2.10 Compensation
- 3.2.11 Present members
- 3.2.12 Relief association

Offenses

- 3.2.13 Interference with department

FIRE DEPARTMENT

' 3.2.01 ESTABLISHMENT.

There is continued in the city a volunteer fire department consisting of a Chief, an Assistant Chief, and various acting firefighters.

' 3.2.02 NOMINATION AND APPOINTMENT.

The Chief of the Fire Department and the Assistant Chief shall be elected by the members of the department, subject to confirmation by the City Council. Each shall hold office for one year and until a successor has been duly elected, except that the City Council may remove the officer for cause after a public hearing. Firefighters and probationary firefighters shall be nominated by members of the department for appointment by the City Council. The City Council may appoint as a member of the Fire Department only persons who have been nominated by the membership. Firefighters shall continue as members of the department during good behavior and may be removed by the City Council only for cause after a public hearing.

' 3.2.03 DUTIES OF CHIEF

The Chief shall have control over all of the fire-fighting apparatus and shall be solely responsible for its care and condition. The Chief shall attend the monthly City Council meetings when requested by the City Council and shall make a report to the City Council as to the condition of the equipment and needs of the fire department when requested. The Chief may submit additional reports and recommendations at any meeting of the City Council and shall report each suspension of a member of the fire department at the first meeting of the City 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 City Council on the discharge or retention.

' 3.2.04 DUTIES OF FIRE MARSHAL.

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

' 3.2.05 RECORDS.

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

' 3.2.06 PRACTICE DRILLS.

It is the duty of the Chief, when weather permits, to hold a monthly practice drill of at least one hour's duration for the fire department and to give the firefighters instructions in approved methods of fire-fighting and fire prevention.

' 3.2.07 ASSISTANT CHIEF.

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

' 3.2.08 FIREFIGHTERS.

The Assistant Chief and the firefighters shall be not less than 18 years of age and be able bodied. They shall pass a satisfactory mental and physical examination and shall become members of the fire department only after a six-month probationary period.

' 3.2.09 LOSS OF MEMBERSHIP.

Firefighters absent from three consecutive drills or calls, unless excused by the Chief, shall forfeit membership in the department. The firefighter shall be reinstated only on approval of the City Council.

' 3.2.10 COMPENSATION.

Compensation for all members of the department shall be established by the City Council.

At the time of the adoption of this code, the Cromwell Fire Department was a volunteer fire department.

' 3.2.11 PRESENT MEMBERS.

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

' 3.2.12 RELIEF ASSOCIATION.

The members and officers of the fire department may organize themselves into a firefighter's relief association.

OFFENSES

' 3.2.13 INTERFERENCE WITH DEPARTMENT.

It is unlawful for any person to give or make or cause to be given or made an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the fire department in the discharge of its duties. Unlawful interference shall include the following of a fire truck when its siren and emergency lights are in operation, closer than 500 feet, by persons not on official city business. Such a violation may be considered either a misdemeanor or petty misdemeanor at the discretion of the Chief depending upon the circumstances and severity of the alleged offense.

3.3: CITY POLICIES

Section

- 3.3.01 Worker's compensation for elected and appointed officials
- 3.3.02 City elections date
- 3.3.03 Terms and transition

' 3.3.01 WORKER'S COMPENSATION FOR ELECTED AND APPOINTED OFFICIALS.

All elected officials and all appointed officials and employees of the city shall be included in the coverage of the Worker's Compensation Act. This coverage may be reviewed and amended from time to time. The scope of this coverage shall include but not be limited to any officer elected or appointed for a regular term of office or to complete the unexpired portion of a regular term, and to all members of any duly constituted boards, commissions, and committees of the city, including any to be formed hereafter.

' 3.3.02 CITY ELECTIONS DATE.

The regular city elections for the city shall be held biennially on the first Tuesday after the first Monday of November of each even-numbered year, until modified by the Council consistent with Minnesota Statute.

§ 3.3.03 TERMS AND TRANSITION

Two council members shall be elected for four-year terms at every other biennial city election, and one councilman shall be elected at each intervening election, each for a four-year term. The Mayor shall be elected for a two-year term, and shall appoint a Clerk-Treasurer who will serve at the discretion of the majority of the Council.

3.4: DEPARTMENTS, BOARDS, COMMISSIONS

Section

3.4.01 Water and Sewer Department established

3.4.02 City Clerk-Treasurer

' 3.4.01 WATER AND SEWER DEPARTMENT ESTABLISHED.

There is hereby established a Water and Sewer Department of the city under the supervision of the Utilities Superintendent. The duties and responsibilities of the department and its superintendent are established in other provisions of this code and may also be modified and established by the City Council by motion or resolution from time to time.

' 3.4.02 CITY CLERK-TREASURER.

The offices of City Clerk and City Treasurer are hereby combined and shall receive due compensation as determined by the Council, which compensation may be amended from time to time. The City Clerk-Treasurer will be appointed by the Mayor but will serve at the discretion of a majority of the Council.

3.5: EMERGENCY MANAGEMENT

Section

- 3.5.01 Policy and purpose
- 3.5.02 Definitions
- 3.5.03 Establishment of an emergency management organization
- 3.5.04 Powers and duties of the Director
- 3.5.05 Local emergencies
- 3.5.06 Emergency regulations
- 3.5.07 Emergency management a government function
- 3.5.08 Participation in labor dispute or politics
- 3.5.09 Violations

' 3.5.01 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 such 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 determined 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 provisions of M.S. ' 12.25, as it may be amended from time to time, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

' 3.5.02 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. 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. These functions include, without limitation, firefighting 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 of the foregoing functions. **EMERGENCY MANAGEMENT** includes those activities sometimes referred to as "Civil Defense" functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. 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.

' 3.5.03 ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION.

There is hereby created an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, hereinafter called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him or her at any time. The Director shall serve at the discretion of the Council and shall be paid his or her necessary expenses as approved by the Council. 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.

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' 3.5.04 POWERS AND DUTIES OF THE DIRECTOR.

(A) The Director, with the consent of the Mayor shall represent the city on any regional or state conference for emergency management. 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. These arrangements shall be consistent with the State Emergency Plan.

(B) 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. 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 approval of the Mayor.

(C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present such plan to the Council for its approval. 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. The plan may be modified in like manner from time to time. 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 plan 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) The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall be, to the maximum extent practicable, cooperate with and extend such services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

(F) 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. 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.

' 3.5.05 LOCAL EMERGENCIES.

(A) A local emergency may be declared only by the Mayor or his legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. 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) No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

' 3.5.06 EMERGENCY REGULATIONS.

(A) Whenever necessary to meet a declared emergency or to prepare for such 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: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation,

drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

(B) 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. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulation 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 such other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind any such regulation.

(C) The Council may rescind any such regulation by resolution at any time. If not sooner rescinded every such 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. 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 such conflict exists.

(D) 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 such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. 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 call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

' 3.5.07 EMERGENCY MANAGEMENT A GOVERNMENT FUNCTION.

All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension

law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

' 3.5.08 PARTICIPATION IN LABOR DISPUTE 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.

' 3.5.09 VIOLATIONS.

Any person who violates any provision of this chapter relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor and shall be punished accordingly.