

CITY OF NORTH BRANCH

STATE OF MINNESOTA

COUNTY OF CHISAGO

ORDINANCE NO. 236-15

AN ORDINANCE AMENDING THE NORTH BRANCH CITY CODE, CHAPTER 2, ADMINISTRATION; ARTICLE V, BOARDS, COMMITTEES AND COMMISSIONS.

THE NORTH BRANCH, MINNESOTA CITY COUNCIL ORDAINS:

SECTION 1 AMENDMENTS AND ADDITIONS

That the North Branch City Code, Chapter 2, Administration; Article V, Boards, Committees and Commissions, is hereby amended as stated in Exhibit A.

SECTION 2 EFFECTIVE DATE

This Ordinance shall take full effect and be in full force from and after its passage and publication according to law.

Passed and adopted by the North Branch City Council this 8th day of December, 2015.

CITY OF NORTH BRANCH

BY:  _____
Kirsten Hagen-Kennedy, Mayor

ATTEST: _____
Bridgitte Konrad, City Administrator

Exhibit A

DIVISION 1. - GENERALLY

Sec. 2-126. - Commissions and committees.

- (a) The city council may in its discretion appoint such commissions and committees as are deemed appropriate and appoint such citizens of the city to serve on such committees or commissions.
- (b) For any standing or ongoing commission established by the city council, any citizen appointed thereto who misses three consecutive meetings, including special meetings for which notice was given, or who misses more than 30 percent of all meetings in any calendar year, in either case without prior notice of the reason therefor, shall be deemed resigned from such commission, following which the city council may appoint a replacement for that commission.

(Code 1996, § 1.08.040)

State law reference— Boards, Minn. Stats. § 412.111.

Secs. 2-127—2-150. - Reserved.

Exhibit A

DIVISION 2. - ECONOMIC DEVELOPMENT AUTHORITY

Sec. 2-151. - Establishment.

The economic development authority of the city is hereby established and governed by Minn. Stats. ch. 469.

(Code 1996, § 2.36.010)

Sec. 2-152. - ~~Term of office; duties~~ Composition.

~~The economic development authority consists of a governing body of seven commissioners. Two of the commissioners shall be members of the city council and serve as commissioners of the economic development authority for one year terms. They may serve for more than one year. All commissioners shall be appointed by the mayor with the approval of the city council. The economic development authority has all the power and duties set forth in Minn. Stats. §§ 469.090—469.108 and other laws, except as limited by this chapter.~~

(a) The Economic Development Authority shall consist of seven resident or business members.

(b) Two of the commissioners shall be members of the City Council and serve as commissioners of the Economic Development Authority for one year terms.

(Code 1996, § 2.36.020; Ord. No. 158-11, §§ 1, 2, 3-14-2011)

Sec. 2.153. Term of Office

Appointments by the Mayor and approved by the Council shall be made at its last meeting in December. Appointees shall serve six-year staggered terms. One or more members' terms will expire annually. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. In the event of any vacancy, the City Council shall appoint a person to complete the unexpired term.

Sec. 2-~~153~~154. - Limitations.

The following limits apply to the economic development authority and its operation:

- (1) The sale of bonds or other obligations of the economic development authority must be approved by the city council.
- (2) The economic development authority must follow the budget process for the city departments in accordance with city policies, ordinances, and resolutions.
- (3) Development and redevelopment actions of the economic development authority must be in conformance with the city comprehensive plan and official controls implementing the comprehensive plan.
- (4) The economic development authority must submit its plans for development and redevelopment to the city council for approval in accordance with city planning procedures and law.
- (5) The administrative structure and management practices and policies of the economic development authority must be approved by the city council.
- (6) The exercise of the powers of eminent domain by the EDA is not allowed. Eminent domain proceedings can only be done by the city council.

Exhibit A

- (7) A request by one city council member appointed to the EDA to table a request at an EDA meeting does not require a vote and shall be referred directly to the city council at their next available meeting.

(Code 1996, § 2.36.030; Ord. No. 134-09, § 1, 4-27-2009)

Sec. 2-~~154~~155. - Implementation.

- (a) The city council will from time to time, and at the appropriate time, adopt such ordinances and resolutions as are required and permitted by Minn. Stats. ch. 469 to give full effect to this chapter.
- (b) Nothing in this chapter is intended to prevent the city from modifying this enabling resolution to impose new or different limitations on the economic development authority as authorized by Minn. Stats. ch. 469.

(Code 1996, § 2.36.040)

Sec. 2-156. Removal of Members

A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing as prescribed in Minnesota Statutes 469.095 subd. 5.

Secs. 2-155—2-176. - Reserved.

Exhibit A

DIVISION 3. - PARKS, TRAILS AND OPEN SPACE ADVISORY COMMISSION

FOOTNOTE(S):

~~---(5)---~~

~~State Law references-Park boards, Minn. Stats. 448.56 et seq. (Back)~~

Sec. 2-177. - Establishment.

A city parks, trails and open space commission is hereby established in the city, to advise and make recommendations to the city council.

(Code 1996, § 2.40.020)

Sec. 2-178. - Composition.

The parks, trails and open space commission shall consist of five resident members. ~~_appointed by the city council to serve staggered terms.~~ A nonvoting city council representative will be appointed by resolution of the city council annually to serve as a liaison between the parks, trails and open space commission and the city council.

(Code 1996, § 2.40.030; Ord. No. 89(amd.), 03-22-2004)

Sec. 2-179. - Term of office.

~~Appointments by the city council shall be made at its last meeting in December. The parks, trails and open space commission~~ Appointees shall serve staggered ~~terms of three~~ years terms. One or more members' terms will expire annually. Terms shall commence on January 1 of the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. In the event of any vacancy, ~~the mayor, with the approval of~~ the city council shall appoint a person to complete the unexpired term.

(Code 1996, § 2.40.040; Ord. No. 89(amd.), 03-24-2004)

Sec. 2-180. - Qualifications.

A member of the parks, trails and open space commission must reside within the city, who are over the age of 18. and shall become in the judgment of the city council a representative of the community qualified by training, experience or interest in the responsibility to the development, maintenance and management of parks and recreational areas and facilities within the city.

(Code 1996, § 2.40.050)

Sec. 2-181. - Removal of members.

~~The city council, by a three-fifths vote of its members shall have the authority to remove any member of the parks, trails and open space commission from office, whenever, in its discretion, the best interests of the city shall be served and/or as other city ordinances outline. A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing utilizing the procedures as prescribed in Minnesota Statutes 469.095 subd. 5.~~

(Code 1996, § 2.40.060)

Sec. 2-182. - Meetings; and officers.

Exhibit A

- ~~(a) The parks, trails and open space commission may adopt rules and procedures to govern its meetings.~~
- ~~(b) The commission shall, by an election process, select its own officers for such terms as are deemed appropriate.~~
- ~~(c) The commission shall establish a time, date and place for its regular meetings to be held at least once each month at the city municipal chambers or at such other public location as is deemed appropriate. During the months of November through February, the commission shall meet as deemed appropriate by the chairman.~~
- ~~(d) The chair or any three members of the commission shall have the authority to call special meetings of the commission. Written notice of special meetings shall be given to all the members at least 24 hours prior to the time of the meeting unless the time and place of the special meeting is set at a regular meeting.~~
- (a) At the first meeting when all of the newly appointed members are seated, the parks, trails and open space commission shall elect a chair and a vice-chair from among its appointed members each for a one-year term.
- (b) The parks, trails and open space commission shall hold a meeting each month at such time and place as fixed by council resolution. Special meetings may be called at any time by the chair, or in their absence, the vice-chair. Written notice must be given to all members of the commission and posted at least three working days before the meeting.
- (c) A majority of the commission shall constitute a quorum.
- (d) It shall adopt rules and procedures for the transaction of its business.
- (e) Agenda items shall include an accompanying memo explaining each item to be discussed.
- (f) In December of each year, the commission may submit a report to the city council on its work during the preceding year.

(Code 1996, § 2.40.070)

Sec. 2-183. - Duties.

The parks, trails and open space commission shall serve in an advisory capacity to the city council with responsibility to:

- (1) Periodically visit, review and evaluate current recreational and park programs;
- (2) Review and make recommendations to the city council of or on future development, management and maintenance proposals consistent with or suggesting revisions of the adopted policies, ordinances, regulations and/or comprehensive plan of the city;
- (3) Develop and transmit recommended capital improvements annually to the city council for inclusion in the capital improvement program;
- (4) Conduct studies and investigations and undertake projects and programs specifically directed by the city council;
- (5) Develop and recommend methods to stimulate positive public interest in park and recreation functions;
- (6) Serve as a source for citizens to voice their opinions and ideas regarding park and recreation facilities and functions;
- (7) Encourage the coordination and interchangeable use of city facilities and programs with the school district and other political units;

Exhibit A

- (8) Encourage the spread of information to, and coordinate with organizations interested in, the city's park and recreational areas and facilities for recommendations to the city council;
- (9) Consider proper names for park and recreational areas and facilities for recommendation to the city council;
- (10) Communicate and cooperate with any other concerned agency or group, such as the planning commission, who have interests in parks and recreation in general, or who may have an interest in any particular park or recreational proposal, program, project, function or activity;
- (11) Submit an annual report to the city council by the first city council meeting in September listing the status of ongoing park projects completed during the calendar year, and park projects recommended for the next calendar year.

(Code 1996, § 2.40.080)

Sec. 2-184. - Powers.

The parks, trails and open space commission shall have the power to:

- (1) Confer with and advise the city council and planning commission on all matters concerning the park and recreational development in the city;
- (2) Collect data and information as to the type of park and recreation activities or facilities best suited to the city;
- (3) Recommend to the city council and planning commission policies and/or particular actions in regard to parks and recreation.
- (4) The city council shall have full absolution and exclusive control over all property set aside for park purposes.

(Code 1996, § 2.40.090)

Secs. 2-185—2-206. - Reserved.

Exhibit A

DIVISION 4. - PLANNING COMMISSION

Sec. 2-207. ~~Established Establishment.~~

~~A~~ The planning commission for the city is hereby established by the city to advise and make recommendations to the city council.

(Code 1996, § 2.44.010)

Sec. 2-208. - ~~Appointment of members of commission~~ Composition.

- (a) The planning commission shall consist of five resident members appointed from the residents of the city who are over the age of 18, ~~excluding persons elected to public office of the city. They shall be appointed by the mayor and approved by the city council. The appointees shall serve three-year, staggered terms. One or more members' terms will expire annually. After the expiration of the terms of each, they shall be reappointed or replaced to serve three full year terms, commencing on the first day of January of the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. In the event of any vacancy, the mayor, with the approval of the city council, shall appoint a person to complete the unexpired term.~~
- (b) A nonvoting city council member will be appointed by resolution of the city council annually to serve as a liaison between the planning commission and the city council

(Code 1996, § 2.44.020; Ord. No. 89(amd.), 03-24-2004)

Sec. 2-209. Term of Office.

Appointments by the city council shall be made at its last meeting in December. Appointees shall serve three-year staggered terms. One or more members' terms will expire annually. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. In the event of any vacancy, the City Council shall appoint a person to complete the unexpired term.

Sec. 2-~~209~~210. - ~~Meetings; procedures; and -Officers~~

- (a) (a) At the first regular meeting in January when all of the newly appointed members have been seated, the planning commission shall elect a chair, a vice-chair and secretary from among its appointed members, each for a term of one year. The planning commission may create and fill such other offices as it may determine.
- (b) The commission shall hold such a meeting each month at such time and place as they may fix by resolution of the city council. Special meetings may be called at any time by the chair, or in case of his absence, by the vice-chair. Written notice must be given to all members of the commission and posted at least three working days before the meeting.
- (c) A majority of the commission shall constitute a quorum.
- (d) It shall adopt rules and procedures for the transaction of its business.
- (e) Agenda items shall include an accompanying memo explaining each item to be discussed.
- (f) On or before January 1 In December of each year, the commission may submit to the city council a report of its work during the preceding year.
- ~~(b) No expenditures by the commission shall be made unless and until authorized for any purpose by the city council.~~

(Code 1996, § 2.44.030)

Exhibit A

Sec. 2-~~210~~211. - Duties and powers of the commission.

- (a) *Preparation of comprehensive plan.* It shall be the purpose of the planning commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to the comprehensive plan program.
- (b) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the planning commission to recommend to the city council reasonable and practicable means for putting into effect such plan or section thereof in order that the same 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. Means of effectuating the plan shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review and recommendations of matters referred to the planning commission by the city council.
- (c) *Zoning ordinance.* The planning commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the city council, as may be prescribed by the zoning ordinance.
- (d) *Appeals.* The planning commission shall act as the board of appeals and adjustment and shall have the power to: review all appeals from the ruling of an administrative officer where an error in any regulation, decision or determination made by such officer in enforcing the zoning ordinance, or subdivision regulations, is alleged. The planning commission shall report its recommendation to the city council for action.
- (e) *Variance.* The planning commission shall have power to review all requests for variances to the zoning ordinance as it applies to a particular parcel of land or use of such a parcel as prescribed in the zoning ordinance (chapter 66). The planning commission shall report its recommendation to the city council for action.
- (f) *Special permits.* The planning commission may make recommendations on all requests for a special permit under the terms of the zoning ordinance (chapter 66). The commission shall report its recommendations to the city council for action.
- (g) *Subdivisions.* The planning commission may make recommendations in relation to the subdividing of land as prescribed by the subdivision ordinance (chapter 54). The commission shall report its recommendations to the City council for action.

(Code 1996, § 2.44.040)

Sec. 2-212. Removal of Members.

A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing utilizing the procedures as prescribed in Minnesota Statutes 469.095 subd. 5.

State law reference— Planning commission may act as board of appeals and adjustment, Minn. Stats. § 462.354

Secs. 2-~~211~~213—2-228. - Reserved.

Exhibit A

DIVISION 5. - PUBLIC UTILITIES COMMISSION

Sec. 2-229. - Establishment.

~~There is established a~~ The public utilities commission is hereby established and governed for the city pursuant to by Minn. Stats. §§ 412.331—412.391. ~~Such commission shall consist of three members to be appointed by the city council. One member shall be appointed each year and shall take office at the next meeting of the commission following his appointment. Such appointments shall be made at the first legal meeting of the city council in January of each year. Each member shall serve for a term of three years; and each shall serve until his successor is appointed. Not more than one member of said commission may be chosen from the city council membership and no member shall hold any other municipal office. Vacancies shall be filled for the unexpired portion of the term by the city council.~~

(Code 1996, § 2.48.010)

Sec. 2-230. Composition.

- (a) The public utility commission shall consist of three resident members.
- (b) No more than one member of the public utilities commission may be chosen from the city council.

Sec. 2-231. Terms of Office.

Appointment by the city council shall be made at its last meeting in December. Appointees shall serve three-year terms. One member shall be appointed each year. Upon expiration of a term, the appointee shall continue until reappointed or a success is appointed. In the event of any vacancy, the city council shall appoint a person to complete the unexpired term.

Sec. 2-232. Meetings and Officers.

- (a) At the first meeting when all of the newly appointed members have been seated, the public utilities commission shall elect an chair, vice-chair and secretary from among its appointed members each for a one-year term.
- (b) The commission shall hold a meeting each month at such time and place decided on by the commission. Special meetings may be called at any time by the chair, or in their absence, by the vice-chair. Written notice must be given to all members of the commission and be posted at least three working days before the meeting.
- (c) A majority of the commission shall constitute a quorum.
- (d) It shall adopt rules and procedures for the transaction of its business
- (e) In December of each year, the commission may submit a report to the city council of its work during the preceding year.

Sec. 2-~~230~~233. - Powers of the commission.

- (a) The commission shall have power to extend, and to modify or rebuild water and electric utilities and to do anything it deems necessary for its proper and efficient operation; and it may enter into necessary contracts for these purposes. The provisions of Minn. Stats. § 412.311 relating to advertisement for bids shall apply to contracts of the public utilities commission.

Exhibit A

- (b) The commission shall have power to employ all necessary help for the management and operation of the water and electric utilities, prescribe duties of officers and employees and fix their compensation.
- (c) The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, gas or water as the case may be for municipal distribution.
- (d) The commission shall have power to fix rates and to adopt reasonable rules and regulations for utility service supplied by the municipality-owned public utilities within its jurisdiction.
- (e) The commission shall have power to enter into agreement with the city council for payments by the city for utility service, compensation for the use by either the commission or the city of buildings, equipment and personnel under the control of the other, payments to the city in lieu of taxes, transfers of surplus utility funds to the general fund, and also agreements on other subjects of relationships between the commission and the city council.

(Code 1996, § 2.48.020)

State law reference— Powers, Minn. Stats. §§ 412.351, 412.361.

Sec. 2-~~231~~234. - Organization of commission.

- (a) ~~Regular meetings. The public utilities commission shall adopt rules for its own procedure which shall provide among other things, for at least one regular meeting of the commission each month. The commission shall at its first meeting annually in March of each year choose a president from among its members. It shall also appoint a secretary for an indefinite term, which secretary need not be a member of the commission and may be the city clerk. The secretary may receive such salary as fixed by the commission.~~ No member of the commission shall receive a salary except as fixed by the city council.
- (b) *Superintendent.* The commission shall appoint a superintendent of the commission to be responsible to the commission and to serve at its pleasure.
- (c) *Other employees.* There shall be such other officers and employees of the commission as may be provided by the commission. The officers and employees shall be appointed and removed by the commission subject to the provisions of this Code on personnel unless the commission establishes a civil service system for the commission, in which case the regulations of the latter shall govern employment and removal of employees.
- (d) *Salaries.* The commission shall fix the salary of the superintendent, and shall have the power to fix the salaries of all other officers and employees of the commission.
- (e) *Surety bonds.* The commission may require surety bonds for any of the officers and employees of the commission in such amounts as the commission deem necessary. The premiums for the bonds shall be paid by the commission in the same manner as any other operating expense.
- (f) *Employee benefits.* The commission may contribute to the cost of pension, retirement, life and accident and health insurance programs for the officers and employees of the commission.

(Code 1996, § 2.48.030)

Sec. 2-~~232~~235. - Utility funds and disbursements.

- (a) *Separate funds.* A separate fund of a separate account shall be established in the treasury for each utility under the jurisdiction of the public utilities commission. Into such funds or accounts shall be paid all the receipts from such utility and from it shall be paid all disbursements attributable to such utility.

Exhibit A

- (b) *Bond issues.* Subject to applicable state laws, the commissioners may authorize the issuance and sale of revenue bonds necessary to finance the acquisition, construction, improvements, and extensions of the city utilities and operations of the commission.
- (c) *Short term loans.* The commission may borrow money for periods not to exceed three years and may issue negotiable notes, payable from the revenues of the commission or a division thereof, as evidence of the loans. The action of the commission may be by resolutions which may be adopted at the same meetings at which introduced and shall take effect immediately upon adoption.
- (d) *Promotion expenditures.* The commission may authorize reasonable expenditures to advertise and otherwise promote the use of the services of the commission and to acquaint the public with the operations, programs, and planned expansion of the commission.
- (e) *Investment of surplus funds.* The commission may invest surplus funds of the commission only in federal securities and in securities which are legal for investment by savings banks and sinking funds in the state.

(Code 1996, § 2.48.040)

Sec. 2-~~233~~236. - Reports.

The public utilities commission shall make such monthly or annual statements of operation as the commission may require. A copy of each such report shall be filed in the office of the city administrator. An annual financial report shall be made at the close of the calendar year and a copy thereof shall be filed with the city administrator which report shall be included as part of the annual financial statement of the city. The cost of publishing of any other official statement required by law to be published, shall be paid from the public utility fund.

(Code 1996, § 2.48.050)

Sec. 2-237. Removal of Members

A commissioner may be removed by the city council for inefficiency, neglect of duty, or misconduct in office after notification in writing and a hearing utilizing the procedures as prescribed in Minnesota Statutes 469.095 subd. 5.

Secs. 2-234—2-259. - Reserved.