

**CHAPTER II.  
OPERATIONS AND ADMINISTRATION  
PART 1. The Council**

**201.01 Meetings.**

Subdivision 1. Regular Meetings. Regular meetings of the council shall be held on the first Monday of each calendar month at 7:30 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall.

Subdivision 2. Special Meetings. The mayor or any three members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. The notice shall be delivered personally to each member or shall be given to the Winthrop News and posted at the city hall and two other public places in the city. Written notice shall be mailed at least three days before the meeting date to those who have requested notice of such special meetings. This request must be by written request filed with city clerk, designating an official address where notice may be mailed. Such request will be valid for one year.

*As amended July 1<sup>st</sup>, 1991.*

*As amended July 25<sup>th</sup>, 1983.*

Subdivision 3. Initial 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 councilmen as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in the case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;
- (4) Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.

Subdivision 4. Public Meetings. All council meetings, including special and adjourned meetings, and meetings of council committees, shall be open to the public.

**201.02 Presiding Officer.**

Subdivision 1. Who Presides. The mayor shall preside at all meetings of the council. In the absence of the mayor, the president of the council shall preside. In the absence of both, the clerk shall call the meeting to order and shall

## **201.02 Presiding Officer (cont.)**

preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subdivision 2. 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 council on appeal, all questions of procedure and order. Except at otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order, Revised.

Subdivision 3. Appeal Procedure. Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his ruling, but no other council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

Subdivision 4. Rights Of The Presiding Officer. The presiding officer may speak on any question.

## **201.03 Minutes.**

Subdivision 1. Who Keeps. Minutes of each council meeting shall be kept by the clerk or, in his absence, by the deputy clerk. In the absence of both, 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 on other permanent records of the clerk and can be accurately identified from the description given in the minutes.

Subdivision 2. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

## **201.04 Order Of Business.**

Subdivision 1. Order Established. Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

**201.04 Order Of Business (cont.)**

- (1) Call to order
- (2) Roll call
- (3) Approval of minutes
- (4) Public Forum
- (5) Consent Agenda
- (6) Public Hearings
- (7) Petitions, requests, and communications
- (8) Ordinances and resolutions
- (9) Reports of officers, boards, and committees
- (10) Unfinished business
- (11) New business
- (12) Miscellaneous
- (13) Adjournment

**As Amended December 3<sup>rd</sup>, 2007.**

**Subdivision 2. Varying Order.** The presiding officer may vary the order of business; but all public hearings shall be held at the time specified in the notice of hearing.

**Subdivision 3. Agenda.** An Agenda of Business for each regular council meeting shall be prepared and filed in the office of the clerk not later than three (3) days before the meeting. Any person wishing to have an item of business placed on the agenda shall orally or in writing make such a request to the City Clerk's Office. If such request is made no later than three (3) days before the regular meeting, the item of business shall be placed on the agenda. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each council member and to the Winthrop News 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 the meeting or is approved for addition to the agenda by a unanimous vote of the council members present. **As amended May 10<sup>th</sup>, 2006.**

**201.05 Quorum And Voting.**

**Subdivision 1. Quorum.** At all council meetings a majority of all the council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and the council may punish non-attendance by a fine not exceeding \$25 for each absence from any meeting unless a reasonable excuse is offered.

**Subdivision 2. Voting.** The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The votes of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting".

**201.05 Quorum and Voting Cont.**

Subdivision 3. Votes Required. A majority vote of all members of the 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 prevail in all other cases.

**201.06 Ordinances, Resolutions, Motions, Petitions And Communications.**

Subdivision 1. Readings. Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two (2) readings before the council prior to final adoption, unless it is an emergency ordinance. At least three (3) days shall pass between an ordinance's introduction and final passing. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subdivision 2. Signing And Publication, Proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subdivision 3. 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.

Subdivision 4. Motions, Petitions, Communications. Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the clerk.

**201.07 Committees.**

Subdivision 1. Committees Designated. There shall be the following standing committees:

- (1) Street Committee
- (2) Liquor Committee
- (3) Water and Sewer Committee
- (4) Electric Committee
- (5) Building Permits Committee
- (6) Finance Committee
- (7) Park Committee
- (8) Licenses Committee

**201.07 Committees Cont.**

- (9) Fire and Ambulance Committee
- (10) Police Committee
- (11) Safety Committee

Committee members shall be appointed by the mayor at the first regular council meeting in January of each year.

Subdivision 2. Membership. Each committee shall consist of two (2) members of the council. The Safety Committee will additionally consist of one city employee, appointed by the Mayor, and the City Clerk. The Safety Committee may also consist of a non-voting technical advisor upon appointment by the mayor and approval of the City Council. Each committee member shall serve as appointed unless excused by a majority of the members of the council. Committee meetings shall be held at the call of the members. The same notice shall be given of committee meetings as for special meetings of the council, except that personal service need not be given each member if the committee so decides.

Subdivision 3. Referral And Reports. Any matter brought before the council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him for a written report and recommendation before it is considered by the council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the clerk prior to the council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it. As amended March 6<sup>th</sup>, 2006.

**201.08 Suspension Or Amendment Of Rules.** These rules may be suspended only by a two-thirds vote of the members present and voting.

**201.09 Salaries Of Mayor And Councilmen.** Effective January 1, 1997, the salary of the mayor shall be \$1,200.00 per year and the salary of each councilman shall be \$1,000.00 per year. In addition to such salaries the mayor and councilmen shall be paid the sum of \$20 for each special meeting attended.  
As amended November 6<sup>th</sup>, 1995.  
As amended December 5<sup>th</sup>, 1988.  
As amended November 5<sup>th</sup>, 1984.

**Section 201.10 Filling of Vacancies.** In the event that a vacancy on the Council is declared in accordance with Section 2.03 of the City Charter, the City Clerk shall advertise for written applications of qualified citizens to fill the position. Submission of applications may be by letter of intent or a formal application form if such a form has been created by the Clerk's Office and approved by the Council. Applications shall be due to the City Clerk's office in a timeframe determined by the Council but no later than one month after the declaration of a vacancy. Once applications are received, the City Council will review them at the next regularly scheduled meeting. At that time the Council may choose either to interview a select number of the applicants or appoint a person from all submitted applications. Appointment will be made by resolution with a majority vote of the full Council being necessary. If no applications are submitted after compliance with this ordinance, the Council may appoint any person by majority vote.  
*As Amended April 2<sup>nd</sup>, 2007.*

**Section 201.11 Management of Investments.** From time to time, the City may invest monies in its possession by depositing it in money market accounts, savings accounts, CD's, or other types of interest bearing accounts. It is the duty of the Mayor, with the advice of the City Clerk and City Attorney, to manage said monies and ensure that the most favorable interest rate is obtained for such deposits. Therefore, the Mayor is vested with the power to move such monies from any City approved/designated financial institution to another at any time, provided that each month the Mayor submits a written report to the City Council detailing all transactions for that month. The City Clerk must also submit a monthly report detailing the interest rate(s) that month on all City Investments.  
*As Amended May 7<sup>th</sup>, 2007*

**Section 201.12 Computer And Computer Equipment Reimbursement**

**Subdivision 1. PURPOSE**

It is the purpose of this Section to provide for reimbursement to the Mayor, City Council, and other City Staff at the City Council's discretion, for a computer or other electronic device to be used in their performance as members of the Winthrop City Council.

**Subdivision 2. REIMBURSEMENT**

The Mayor, City Councilmembers, and other City Staff as determined by the City Council, will be provided reimbursement by the City for a computer or other appropriate electronic device or software purchased for use in their official capacity as a City Councilmembers in a maximum amount of \$400 with receipt for proof of purchase of said equipment.

The reimbursement will be done once per member per four-year elected office term or, for staff members, as deemed appropriate by the City Council. The

equipment must be purchased within the first six (6) months of the member's term to be eligible for reimbursement as provided in this Section.

The computer purchases reimbursed under this Ordinance are the personal property of the Mayor, Councilmember, or staff member. Individual Councilmembers may refuse this benefit.

Only those Councilmembers in office on January 1, 2015 and thereafter will be eligible for this equipment reimbursement. Notwithstanding the preceding provision, a Mayor elect and Councilmembers elect who will take office effective January 1 of any year may be reimbursed after January 1 of any year, for their computer equipment purchased prior to the effective date of the commencement of their term in office. Also, any Mayor or Councilmember in office at the time of the effective date of this ordinance may receive said reimbursement within six (6) months of the effective date.

### Subdivision 3. POOLING OF RESOURCES

Elected officials and staff eligible for equipment reimbursement under this section, may, if they choose, jointly solicit bids, quotes, or RFPs for their equipment for the purposes of cost efficiency.

*As amended April 6<sup>th</sup>, 2016.*

## **PART 2. Police Department**

### **202.01 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 be paid members of the police department shall be fixed by the council. The mayor, with the consent of the council shall appoint members of the department.

### **202.02 Chief Of Police.**

The chief of police shall have supervision and control of the police department and its members. He shall be responsible to the council for law enforcement and for property of the city used by the department. He shall be responsible for the proper training and discipline of the members of the department. He shall be responsible for the keeping of adequate records and he 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 of the police officers as acting chief, who shall have all the powers and duties of the chief during his absence or disability.

### **202.03 Duties Of Police.**

Members of the police department shall enforce the ordinance and laws applicable to the city, bring violators before the county 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 such notices as may be required by the council or other authority. When the city is not a party to the proceeding involved in the process or notice, the officer shall collect the same fees as provided by law for town constables. All such fees shall be paid into the city treasury.

### **202.04 Uniform And Badge.**

Each member of the department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminated his membership in the department, he shall immediately deliver to the city his badge, uniform, and all other property of the city in his possession.

### **202.05 Extra Police.**

In case of riot or other law enforcement emergency, the mayor may appoint for a specified time as many special policemen as may be necessary for the maintenance of law and order. During such term of appointment, the special policemen shall have only those powers and perform only those duties as shall be specifically assigned by the chief of police.

## **PART 3. Fire Department**

**203.01 Fire Department Continued.** There is hereby continued in this city a volunteer fire department consisting of a chief, and assistant chief, a fire marshal, and not fewer than ten (10) firefighters. *As amended January 4<sup>th</sup>, 1988.*

**203.02 Appointment.** The Chief, the first assistant chief, the second assistant chief, the fire marshal, and firefighters shall be appointed by the council. In making such appointments the council shall take into consideration recommendations of the members of the department.  
*As amended September 6<sup>th</sup>, 2016.*  
*As amended April 7<sup>th</sup>, 1997.*  
*As amended January 4<sup>th</sup>, 1988.*

**203.03 Duties Of Fire Marshal.** The office of the fire marshal may be held by the chief or by the assistant chief, if the council by resolution approves. The fire marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

**203.04 Duties Of Chief.** The chief shall have control of all the fire fighting apparatus and shall be solely responsible for its care and condition. He shall make a report to the council as requested, on the condition of the equipment and needs of the fire department. He 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 in accordance with the City's personnel policy.  
*As amended September 6<sup>th</sup>, 2016.*

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

**203.06 Practice Drills.** The chief shall, when the weather permits, hold a monthly practice drill of at least one hour's duration for the fire department and shall give or arrange for instruction to the firefighters in approved methods of fire fighting and fire prevention.

**203.07 First Assistant Chief.** In the absence or disability of the chief, the first assistant chief shall perform all the functions and exercise all of the authority of the chief. *As amended April 7<sup>th</sup>, 1997.*

**203.08 Second Assistant Chief.** In the absence or disability of both the chief and the first assistant chief, the second assistant chief shall perform all the functions and exercise all of the authority of the chief. The Second Assistant Chief shall be the department's training officer and Captain of the Hose.

*As amended September 6<sup>th</sup>, 2016.*

*As amended April 7<sup>th</sup>, 1997.*

**203.09 Firefighters.** The assistant chief and firefighters shall be able-bodied not less than 18 years of age. They shall become members of the fire department only after a six-month probationary period. The council may require that each candidate, before he may become a probationary firefighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the council; and that he must pass satisfactorily a physical examination. *As amended April 7<sup>th</sup>, 1997.*

**203.10 Loss Of Membership.** Absence of any firefighter from three consecutive drills or calls unless excused by the chief shall be cause for removal from the department. *As amended April 7<sup>th</sup>, 1997.*

**203.11 Compensation.** The member of officers of the fire department shall receive such compensation as deemed appropriate by the city council from time to time. *As amended April 7<sup>th</sup>, 1997.*  
*As amended March 7<sup>th</sup>, 1983.*

**203.12 Present Members.** No person who is a member of the fire department at the time of the adoption of this ordinance shall be required to serve a probationary period before becoming a firefighter. *As amended April 7<sup>th</sup>, 1997.*

**203.13 Relief Association.** The members and officers of the fire department may organize themselves into a fireman's relief association in accordance with law. *As amended April 7<sup>th</sup>, 1997.*

**203.14 Interference With Department.** No person shall give or make, or cause to be given or made, a fire alarm without probable cause, or neglect or refuse to obey any reasonable order of the chief or a fire or interfere with the fire department in the discharge of its duty. *As amended April 7<sup>th</sup>, 1997.*

**203.15 Dispatch Of Firefighters.** Either the fire chief or the 9-1-1 dispatcher for Sibley County may dispatch the firefighters. *As amended April 7<sup>th</sup>, 1997.*  
*As amended June 6<sup>th</sup>, 1988.*

**203.16 Billing For Fire Calls.**

Subdivision 1 Purposes and Intent: This ordinance is adopted for the purpose of authorizing the City of Winthrop to charge for fire service as authorized by Minn. Stat. 366.011, 366.012, and 415.01.

Subdivision 2: Definitions:

- A. “Fire service” means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort 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.
- B. “Fire service charge” means the charge imposed by the City for receiving fire service.
- C. “Motor vehicle” means 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, snowmobiles and ATVs.
- D. “Fire protection contract” means a contract between the City and a township or other city for the City to provide fire service.
- E. “Mutual aid agreement” means 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.
- F. “False alarm” means an alarm from a smoke detector, sprinkler system, carbon monoxide detector that is activated, but there is no presence of any danger.

Subdivision 3 Parties Affected:

- A. Owners of property, including landlord of rental property within the City or township who receives fire service.
- B. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City or township.
- C. Owners of property in townships or cities to which the City provides fire service pursuant to a fire protection contract.

Subdivision 4 Yearly Rate Adjustment: The City Council, with the advice and recommendation of the Winthrop Fire Department, shall review and set the Winthrop Fire Department emergency call charges each calendar year, at the annual council meeting in January for that year. If the

council takes no action to change the fees set out in this ordinance, said fees shall remain the same as set out herein.

Subdivision 5 Standard Fire/Rescue Call: The standard fire/rescue call charge will be as set in the City fee schedule from year to year. The City reserves the right to bill beyond standard fire/rescue call charge for its costs and expenses incurred in responding to calls that last for more than two hours. The call time shall be calculated from the time the first fire department vehicle departs from the fire station to the time the last fire department vehicle is back in service. If the fire department is cancelled in route, there will be no charge for the call.

Subdivision 6 Supplies Cost: In addition to the basic fire call charge, the fire department shall be reimbursed its supply replacement cost for every 5 gallons of foam used, plus reimbursement for the fire department cost of any other supplies or materials expended in fighting the fire.

Subdivision 7 Hazardous Material: If it is determined any hazardous material is present at the site of a fire call, which will require special procedures and handling, an additional charge, above and beyond the standard fire call charge and as set in the City fee schedule, will be applied to the call, regardless of the time spent on the call. This additional charge will depend on the total time, fire staff, and supplies devoted to the call because of the presence of said hazardous materials.

Subdivision 8 Ambulance Charge: An ambulance will routinely be requested at the site of any structure fire for fire fighter protection. The ambulance call will be separately billed by the ambulance service, which said charge shall be separate and in addition to any fire department charges. Any call where the fire department is paged to assist the ambulance or secure a helicopter landing site will be billed at an hourly rate set forth in the city fee schedule after the first hour.

Subdivision 9 Mutual Aid Calls: Costs shall be billed per the Mutual Aid Agreement.

Subdivision 10 Accident Calls: The Winthrop Fire Department charge for responding to accidents not related to fires, to include but not limited to motor vehicle accidents, are established as follows:

A. For any accident call dispatched by the Sheriff's Office or other law enforcement agency or ambulance service, as a result of which the Fire Department is needed for precautionary measures, each party involved in the accident will be billed at a rate as set in the City fee schedule. The City reserves the right to bill beyond the standard charge for its costs and expenses incurred in responding to calls that last for more than one hour.

B. If the accident involved motor vehicles, the above stated charges shall be applied to each vehicle operator, but not to vehicle passengers.

C. If the accident involves motor vehicles, and one or more of the vehicles was parked and stationary vehicle, the parked and stationary vehicle owner or operator shall not be charged a service call. Only the vehicle or vehicles in motion at the time of the accident shall be charged the service call charge, unless that parked vehicle is determined to be at fault by the law enforcement officer on scene.

Subdivision 11 False Alarms/Carbon Monoxide Calls: Any person defined as any individual, or any business entity or corporation or any agents or employees thereof, will not be billed for the first two false alarm responses during a twelve month period, if said false alarms are given in the reasonable and good faith belief that an emergency does exist. A third false alarm in a twelve month period from the same person, including the same business entity or corporation or any agents or employees thereof, shall incur a flat charge of \$500.00 for the call, regardless of whether the said third false alarm is in good faith or not. Any person, to include any business entity or corporation or any agents or employees thereof, who makes a false alarm in bad faith, meaning they knew or should have known that the alarm was false, shall be charged a flat call charge of \$500.00 in all cases.

In regards to Carbon Monoxide calls, the fire department will bill the call at a rate set in the City fee schedule if gas or another problem is found on scene. There will not be a charge that turns out to be a call related to a faulty detector unless it is the 3<sup>rd</sup> such detector related call within a twelve month period. If it is the 3<sup>rd</sup> such call within a twelve month period, it will be billed as a false alarm.

During Carbon Monoxide calls involving a faulty detector, the resident will be given a working detector. Residents will be charged for the cost of the detector if they choose to keep it.

Subdivision 12 Non-Emergency Activity: The City Council, at the recommendation of the fire department, shall have the discretion to charge an appropriate fee to the property owner for fire department assistance provided in non-emergency situations. This may include, but is not limited to, disaster site clean up, protective sandbagging during flood alerts, filling pools, and hosing down construction or demolition sites to avoid excessive dust or air pollution.

Subdivision 13 Severe Weather Watch: Fire department personnel shall conduct a severe weather watch as appropriate at no charge to the community or to any individual property owners.

Subdivision 14 Other Entity Charges: If the fire department deems it appropriate, it may call in assistance from other government agencies or private entities, to provide personnel, expertise or equipment the fire department determines in its own discretion is needed to respond adequately to an emergency. The City Council, at the recommendation of the fire department, shall have the right to pass on to the emergency call property owner any fees or costs charged by such other government agency or private entity for their assistance.

Subdivision 15 Billing and Collection:

A. Parties requesting and receiving fire services may 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 or property owner receiving the fire service. If the party receiving the fire service does not initiate the contact for service but a fire or other situation exists which at the discretion of the Fire Department personnel in charge requires fire service and qualifies as a fire call, that party will be charged for a fire call.

B. Parties billed for fire service will have 90 days to pay. 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.

C. If the fire service charge remains unpaid for 90 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.

D. If the fire service charge remains unpaid for 90 days after the notice of delinquency is sent, the City Council by formal resolution, after due consideration, may also, on or before October 15 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 September 15.

E. False alarms will be billed as specified in Section 10.

Subdivision 16 Application of Collections to Budget: All collected fire charges will be city funds and used to offset the expenses of the City Fire Department in providing fire service.

Subdivision 17 Missing Persons Searches: There will be no charge for fire department participation in attempts to locate or search for persons reported as missing.

*As amended March 5<sup>th</sup>, 2012.*

#### **PART 4. Board Of Health**

Chapter 204 of the Winthrop City Code, in its entirety, is hereby repealed. The Public Health Board is consequently abolished.

*As amended June 1<sup>st</sup>, 2015.*

## **PART 5. Planning Commission**

**205.01 Establishment Of Commission.** A city planning commission for the City of Winthrop is hereby established. The commission shall be the city planning agency.

**205.02 Appointments And Tenure Of Office.** Such planning commission shall consist of five (5) members. Four members shall be appointed by the city council and may be removed by a four-fifths vote of the council; and the council shall select one member of the commission from among its own members. The City Attorney and City Clerk shall act as non-voting advisors to the Planning Commission. In order to qualify for appointment to the planning commission, the candidate must be a resident of the City of Winthrop, a property owner in the City or a business owner in the City.

Of the members of the commission first appointed, two shall be appointed for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The council shall fill vacancies during the term for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge the duties, take an oath that he will faithfully discharge the duties of his office. All members will be compensated at a reasonable rate, to be set by the city council.

*As amended April 6<sup>th</sup>, 2015.*

### **205.03 Organization, Meetings, etc.**

**Subdivision 1.** The commission shall elect a chairman from among its appointed members for a term of one year; and the commission may create and fill such other offices, as it may determine.

**Subdivision 2.** The commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. On or before January 1 of each year the commission shall submit to the city council a report of its work during the preceding year. Expenditures of the commission shall be within amounts appropriated for the purposes by the city council.

**205.04 Adoption Of Program Of Work.** Upon the appointment and organization of the commission, it shall proceed with the preparation and adoption of resolution of a program of work, outlining activities proposed to be undertaken in the exercise of its powers and the performance of its duties. Such a program will include:

- (a) An outline of date and information to be assembled as a basis of the city plan;
- (b) An outline of the subjects to be covered by the city plan;
- (c) An outline of types of procedure necessary to make the city plan effective.

The planning commission may, by resolution, revise its program of work, from time to time.

**205.05 Preparation Of Comprehensive City Plan.** It shall be the function and duty of the planning commission to prepare and adopt a comprehensive city plan for the physical, economic and social development of the city, including, but not limited to, proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the development of the city. The comprehensive plan may also include a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. The plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the city as outlined in the commission's program of work.

**205.06 Procedure For Adoption Of Plan.**

Subdivision 1. Before adopting the city plan or any section of it or any substantial amendment thereof, the commission shall hold at least one public hearing thereof, notice of the time, place and purpose of which shall be given by publication in the official city newspapers at least ten (10) days before the day of the hearing. The adoption of the city plan or any section or amendment thereof shall be by resolution of the commission, approved by a majority of all the members of the commission. The commission may, from time to time, amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the commission indicate that such amendment or addition is necessary.

Subdivision 2. An attested copy of the plan or of any section, amendment, or addition to the city plan adopted by the planning commission shall be certified to the city council.

**205.07 Procedure For Plan Effectuation.** Upon the adoption of the comprehensive city plan or any section thereof, it shall be the duty 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, economic and social development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects, of the city plan. Such means shall consist of zoning regulations, regulations for the control of subdivision plats, an official map, coordination of

the normal public improvements of the city, a long-term program of capital expenditures and such other matters as will accomplish the purposes of this section.

**205.08 Zoning Ordinance.**

At any time after the adoption of a land use plan for the municipality, the planning commission, for the purposes of carrying out the policies and goals of the land use proposed ordinance and submit it to the governing body with its recommendations for adoption. No zoning ordinance or amendment thereto shall be adopted by the council until a public hearing has been held thereon by the planning commission after a notice similar to the one required by Section 205.06.

**205.09 Official Map.**

Subdivision 1. After adoption of a major thoroughfare plan and a community facilities plan, the planning commission, with appropriate assistance, may, and upon instructions by the city council, shall prepare an official map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon such map the land that is needed for future street purposes and as sites for other necessary public facilities and services within the city.

Subdivision 2. After such map has been prepared, it shall be submitted to the council, which shall thereupon consider such map and may adopt it or any part of it with such amendments as it deems advisable. Before such adoption by the council, a public hearing shall be held upon the proposal at least ten (10) days after a notice of the time, place and purpose thereof has been published in the official city newspaper. After such map has been adopted by the council and filed with the register of deeds, whenever any street or highway is widened or improved or any new street is opened, or interests in land for other public purposes are acquired by the municipalities, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of condition of the permit within the limits of the mapped street or outside of any building line that may be or have been established upon the existing street or within any area thus identified for public purposes.

**205.10 Plats.**

Subdivision 1. Every proposed plat of land within the city or within two miles of the limits of the city and not within a town which itself requires the approval of plats, shall be submitted to the city council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the city council.

Subdivision 2. Any person who violated this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before such plat has been approved by the city council in accordance

with the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the law.

Subdivision 3. Before approving a plat, the city council shall submit the same to the planning commission for its recommendations. The planning commission, within 45 days after any such plat has been referred to it by the city council, shall act on the same and shall make its recommendations with respect thereto. Such recommendations may consist of:

- (a) Recommendation that the city council approve such plat; or
- (b) Recommendation that the city council disapprove such plat, in which case such recommendation shall include a statement of the specific reasons for such recommendation; or
- (c) Recommendation that the city council approve such plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing such changes or revisions, be submitted to the planning commission for its further consideration and recommendations before action thereof by the city council.

**205.11 Procedure For Amendments.** No change shall be made in the comprehensive city plan or any portion thereof or regulations governing the platting of land after such plans or regulations have been adopted by the city council, until the proposed change has been referred to the planning commission for report thereon and an attested copy of such report has been filed with the council. Failure of the planning commission so to report within forty days or such longer period as may be designated by the council after such reference shall be deemed to be approval of the proposed change.

**205.12 Subdivision 1. List of Recommended Public Works.** Each officer, department, board or commission of or in the city whose functions include recommending, preparing plans for, or constructing public works shall, at least three months before the end of each fiscal year, submit to the planning commission a list of the proposed public works recommended by such officer, department, board, or commission for planning, initiation, or construction during the ensuing fiscal year. The planning commission shall request from the local school district a similar list of its proposed public works. The planning commission shall list and classify all such proposed public works for the ensuing fiscal year. Such program shall be recommended by the commission to the council and to such other officers, departments, boards, or public bodies as have jurisdiction over the recommending, planning or constructing of such public works. A copy of such recommended program of public works shall be included in the annual report of the planning commission provided for in Section 3.

Subdivision 2. Compliance With Plan. After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed

with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote, dispense with the requirements of this subdivision when, in its judgement, it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan.

## **PART 6. Civil Defense**

**206.01 Act Adopted.** The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it related to cities, is adopted by reference as part of this ordinance as fully as if were set forth explicitly herein.

### **206.02 Civil Defense Agency.**

**Subdivision 1. Agency And Director.** There is hereby created within the city government a civil defense and disaster agency, which shall be under the supervision and control of a director of civil defense, hereinafter called the director. The director shall be appointed by the mayor with the advice and consent of the council for an indefinite term and may be removed by him with the advice and consent of the council at any time. He shall serve without salary but shall be paid his necessary expenses. The director shall have direct responsibility for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

**Subdivision 2. Organization And Functions.** The civil defense agency shall be organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to Minnesota Statutes, Chapter 12, or this ordinance.

### **206.03 Powers And Duties Of Director.**

**Subdivision 1. Intergovernmental Arrangements.** With the consent of the mayor, the director shall represent the city on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the council for its action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the civil defense agency and civil defense forces shall render assistance in accordance with the provisions of such agreements.

**Subdivision 2. Civil Defense Plan.** The director shall be authorized to dispatch equipment and personnel as he/she deems necessary to combat an emergency or threat of danger such as fire, hazard, casualty or other similar occurrence to the city of Winthrop and its inhabitants after exercising discretion and considering their needs, when it is impractical or impossible for the City Council to do so. ***As amended April 1<sup>st</sup>, 2002.***

**PART 7. Personnel Policy**

**Repealed October 3<sup>rd</sup>, 2016.**

## **PART 8. Abandoned Property**

### **208.01 Abandoned Motor Vehicles.**

Subdivision 1. Impoundment And Sale. The city police department shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 168B.02, Subdivision 2. It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

Subdivision 2. Summary Action In Certain Cases. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license late currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under subdivision 1 and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 168B.01 to 168.13.

Subdivision 3. Disposition Of Proceeds. The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

### **208.02 Other Abandoned Property.**

Subdivision 1. Procedure. All other property lawfully coming into the possession of the city shall be disposed of as provided in this section.

Subdivision 2. Storage. The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subdivision 3. Claim By Owners. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subdivision 4. Sale. If the property remains unclaimed in the possession of the city for sixty (60) days, the property shall be sold to the highest bidder at a public auction conducted by the chief of police of the city after two

weeks' published notice setting forth the time and place of the sale and the property to be sold.

Subdivision 5. Disposition Of Proceeds. The proceeds of the sale shall be place in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six (6) months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

## **PART 9. Park Board**

**SECTION 1.** Chapter 209 of the Winthrop City Code, in its entirety, is hereby repealed. The Park Board is consequently abolished. financial, program, facility, and all other supervision of the Park Board is therefore reverted to the direction of the City Council *As amended March 7<sup>th</sup>, 2005.*