

## CHAPTER 2 - ADMINISTRATION

### 2.01 BOARD OF HEALTH.

The Board of Health shall be the Washington County Board and the official agent of the Board of Health shall be the Washington County Public Health Department and its Director. They shall be charged with initiating investigations, preparing reports and obeying such directions as promulgated by the State Board of Health and others as mandated by the City of Mahtomedi or its agents.

### 2.02 BUILDING CODE ENFORCEMENT.

1. Building Official. The City Council shall appoint a Building Official to administer the Building Code. To be eligible for appointment, the Building Official must have the experience in design, construction, and supervision which the Minnesota Commissioner of Administration deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. The Building Official must be certified by the State of Minnesota as a certified building official. The Building Official shall report to the City Administrator. All references in this Code to Building Inspector, City Inspector, City Building Official, and similar variations thereof are deemed to mean the Building Official and his or her authorized assistants.
2. Code Enforcement Officer. The Building Official shall be the Code Enforcement Officer for the City and as such shall have the authority to administer the enforcement of all City Code provisions. The Code Enforcement Officer shall have the authority to supervise the activities of such persons as the City Council may appoint, hire or contract with to act as Assistant Code Enforcement Officers. The authorized assistants to the Code Enforcement Officer shall be Assistant Code Enforcement Officers. All Assistant Code Enforcement Officers shall report to the Code Enforcement Officer.
3. Zoning Administrator. The City Administrator shall be the Zoning Administrator and the Zoning Official for the City. The Zoning Administrator/Zoning Official shall have the authority to supervise the activities of such persons as the City Council shall appoint, hire or contract with to act as Assistant Zoning Administrative Officers. The Building Official and his or her authorized assistants shall be Assistant Zoning Administrative Officers. All Assistant Zoning Administrative Officers shall report to the City Administrator.
4. Authorization to Issue Citations. The Building Official, Code Enforcement Officer, and any Assistant Building Officials or Code Enforcement Officers are authorized to issue citations and take all other necessary actions in accordance with Minnesota Statutes to enforce any applicable provisions of this Code.

## 2.03 CITY ADMINISTRATOR.

1. Appointment. The City Council shall appoint a City Administrator who has executive and administrative qualifications as well as experience and knowledge in the area of government or business administration. The City Administrator shall serve for an indefinite term.
2. Contract. The City Council may enter into such employment agreements as it deems necessary to further the purposes of this Section.
3. Duties. The Administrator shall be the chief administrative officer for the City, and shall:
  - A. Direct and perform the actual day-to-day supervision and control of the administrative affairs of the City;
  - B. Compile and prepare the necessary data and information to aid the City Council in making decisions;
  - C. Perform all functions of Treasurer and Clerk imposed by Minnesota Statutes Sections 412.141 and 412.151 or City Code provisions;
  - D. Direct the enforcement of all Code provisions, regulations, and law enforcement policies of the City Council and all laws of the State of Minnesota applicable within the City;
  - E. Advise and report to the City Council when requested on matters of governmental and public policy and to that end, keep informed of the latest municipal administrative practices;
  - F. Prepare and recommend to the City Council a single consolidated budget including statements relating to projected revenue, proposed sources of revenue, and all proposed expenditures to be made and obligations incurred by the City in the forthcoming fiscal year; and
  - G. Efficiently direct all capital improvement projects and service programs as approved by the City Council.
  - H. Subject to City Council approval, establish such administrative policies and procedures as may be necessary to ensure the proper and efficient operation of all departments and divisions of the City and issue administrative orders to carry out such policies and procedures consistent with state law, City Code provisions, and City Council policy.

4. Personnel. The City Administrator shall be the personnel officer of the City and shall be responsible for the implementation of City personnel policies. All department heads and supervisors shall report directly to the City Administrator. The City Administrator shall recommend to the City Council the hiring, promotion, demotion, or dismissal of all probationary, temporary, permanent, full-time, or part-time employees of the City. All final determinations with regard to personnel matters shall be made by the City Council.
5. Purchasing. The City Administrator shall exercise control over the fiscal expenditures of all departments and divisions of the City and such appropriations as appear in the annual City budget. The City Administrator shall make all purchases and acquisitions in the name of the City subject to such administrative procedures as approved by the City Council. The City Administrator shall have the authority to sign purchase orders and make unbudgeted purchases of items whose cost does not exceed one thousand dollars (\$1,000) without prior City Council approval. The City Council shall have internal accounting and administrative control procedures to ensure the proper disbursement of public funds.
6. Meetings. The City Administrator shall attend all meetings as required by the City Council and shall represent the City at all official or semi-official functions as directed. In furtherance thereof, the City Administrator shall furnish such verbal and written reports concerning assigned responsibilities as the City Council may desire and maintain proper relations with the public at large.

#### **2.04 CITY OFFICE HOURS/FILING/RECORDS.**

The Office of the City of Mahtomedi shall be maintained at Mahtomedi's City Hall under the supervision of the City Administrator. The daily hours of the City Office for filing of all legal instruments, documents, and papers shall be Monday through Friday 8:00 a.m. to 4:30 p.m. Any item received for filing after 4:00 p.m. shall be recorded as filed the next business day. All City records, codes and other official documents of the City shall be kept on file and maintained in the City Office. The City Administrator shall be the custodian of said legal instruments, documents, and papers and said City records, codes, and other official documents. (Amended 10-19-04)

#### **2.05 CITY COUNCIL.**

The City Council shall consist of four Council members and a Mayor. The City Council shall have the general powers and duties provided by law and the express powers granted by Minnesota Statutes, Chapter 412 and other provisions of Minnesota law granting additional powers. The City Council shall serve as the Board of Adjustments, which shall have all the powers and duties assigned by virtue of Minnesota Statutes Section 462.354, subd. 2, and this Code. The City Council, acting as the Board of Adjustments and Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by an administrative officer in the enforcement of the Zoning Code.
2. Hear requests for variances pursuant to City Code Chapter 11.

## **2.06 CONSULTANTS.**

The City Council may appoint a City Attorney, a City Engineer, a City Planner, an Animal Control Officer, Building Official/Code Enforcement Officer, Police Department, Assessor, City Forrester and other necessary consultants who shall serve as independent contractors and shall be entitled to none of the benefits usually accorded regular City employees including, but not limited to, severance pay, health and welfare insurance benefits, retirement credit, workers' compensation coverage or any other similar rights or benefits afforded City personnel.

## **2.07 ELECTIVE OFFICERS AND TERMS.**

The elective officers of the City of Mahtomedi shall be the Mayor and four council members. The Mayor shall be elected for a four-year term, and the council members shall be elected for four-year terms.

## **2.08 FIRE DEPARTMENT.**

1. Established. The City Council hereby establishes a volunteer Fire Department consisting of a full-time Fire Chief and not less than 15 or more than 35 firefighters.
2. Firefighter Membership. The members of the Fire Department shall be recommended by the Fire Chief and City Administrator and selected by the City Council.
3. Fire Chief Appointment. The City Council shall select and appoint a full-time Fire Chief. The full-time Fire Chief shall report to and be responsible to the City Administrator.
4. Fire Chief Duties. Subject to the supervision of the City Administrator, the Fire Chief shall administer the affairs of the Fire Department and shall have general authority and control over all Fire Department members, including recommending new hires and disciplinary action against members to the City Administrator for his or her review. The City Administrator shall refer his or her recommendation regarding the promotion or termination of fire department personnel to the City Council for final action.
5. Department Functions. Subject to the provisions of this Chapter, and under the supervision of the Fire Chief, the Fire Department shall be responsible for the

establishment, maintenance, and administration of an organized method for fire fighting and fire prevention within the City and in furtherance thereof shall:

- A. Take all necessary steps for the extinguishment of fires within the City and provide fire extinguishment services via contract to surrounding communities;
  - B. Provide ambulance and EMS services to the City of Mahtomedi;
  - C. Provide ambulance and EMS services via contract to surrounding communities;
  - D. Establish the location, relocation, or removal of all public fire alarm devices;
  - E. Investigate the causes of all fires and complete written reports regarding all suspected arsons;
  - F. Inspect all buildings and structures as provided for by the City Code;
  - G. Provide for and administer a program for the training of firefighters; and
  - H. Perform such other functions as are necessary to properly administer the Fire Department.
6. Assistant Chiefs. In the absence of the Fire Chief, the Assistant Chiefs shall perform all the functions and exercise all the authority of the Fire Chief.
7. Training. The Fire Department shall ensure the proper training of its members to enable them to render qualified and capable firefighting and emergency response service. The Department shall hold such meetings, conduct such drills, and maintain such records as are necessary to qualify for State aid as prescribed by the State Fire Marshall.
8. Inspection. The Fire Department shall inspect as often as may be necessary all buildings and premises, including such other hazards as the Fire Chief might designate, for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fires or contribute to their spread, or any violation of the provisions of the International Fire Code, or other law, Code provision, or recognized standard affecting fire safety.
9. Investigations. The Fire Department shall promptly investigate the cause, origin, and circumstances of each and every fire occurring within the fire service area involving loss of life, injury to person, or destruction or damage to property in excess of one hundred dollars (\$100.00). If it appears to the personnel making the investigation that such fire is of suspicious origin, he or she shall take immediate

charge of all physical evidence relating to the cause of the fire and pursue the investigation to its conclusion. A report shall be submitted to the Fire Chief of all facts and findings relative to each investigation.

10. Mutual Aid and Automatic Aid Agreements. The City Council may enter into such mutual aid and automatic aid agreements it deems appropriate, consistent with the Fire Department's obligations under this Chapter. Such agreements shall be premised on the condition that the Fire Department shall not send personnel, equipment, and apparatus for fire protection to property owned, leased, or represented by persons, organizations or political subdivisions outside the City if the Fire Chief determines that such equipment and manpower is needed for service within the City.
11. Budget. The Fire Chief shall submit to the City Administrator an outline of the Fire Department's work program for the current budget period.
12. Compensation. Members of the Fire Department shall receive compensation for services rendered at a rate to be established by the City Council.

## **2.09 ANIMAL CONTROL OFFICER.**

The City Council may designate, appoint, hire, or contract with such persons as they deem necessary and appropriate to act as Animal Control Officers to enforce and administer Chapter 3 of this Code. The Animal Control Officer is authorized to issue citations and take all other necessary actions in accordance with Minnesota Statutes to enforce and administer the provisions of Chapter 3 and other relevant provisions of this Code.

## **2.10 PARK COMMISSION.**

1. Appointment. The City Council shall appoint a Park Commission made up of seven (7) members. Members shall serve a three (3) year term on the Commission. Each member of the Commission shall be a resident of the City and shall serve without compensation. At its first meeting every April, the members of the Park Commission shall appoint from among their membership a chairperson for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.
2. Vacancies. If a commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of the unexpired term.

3. Meetings. The Park Commission shall meet at such times and places as it shall designate and may adopt and amend rules and procedures governing its proceedings. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.
4. Duties. The Park Commission shall prepare and recommend to the City Council such plans, programs, and reports as it deems necessary to carry out the purposes of this Section and to establish an integrated program for the creation, improvement, maintenance, and management of parks, parkways, and recreational facilities within the City. In furtherance of these general duties, the Commission shall:
  - A. Review and recommend land acquisition for park and recreational purposes;
  - B. Review and recommend plans and procedures for the construction of roadways, paths, buildings, fountains, docks, boathouses, bathhouses, refreshment booths, amusement houses, pavilions, and other necessary structures and improvements in parks;
  - C. Recommend reasonable rules and regulations for the conduct of parks and recreational facilities, including charges and fees for public use of constructed premises;
  - D. Recommend the purchase of necessary materials, supplies, equipment, and services to carry out the purposes of this Section;
  - E. Recommend plans and programs relating to (i) the design of parks, parkways and public grounds; (ii) care, maintenance, and landscaping of parks, parkways and recreational facilities; and (iii) care, trimming, and removal of trees and shrubbery on public lands;
  - F. Prepare such other plans and programs as the Commission may deem necessary and proper to carry out the provisions of this Section
5. Commission Not a Park Board. The Commission shall not be considered a Park Board under Minnesota Statutes Sections 412.491 through 412.531, and shall have no powers to acquire land, employ personnel, enter into contracts or leases, or any similar powers authorized a Park Board by Minnesota Statutes Sections 412.491 through 412.531.

## 2.11 PLANNING COMMISSION.

1. Purpose. The City Council finds it necessary to guide the future development of land within the City through comprehensive planning for the purposes of (1) ensuring a safer, more pleasant, and more economical environment for residential, commercial, industrial, and public activities; (2) promoting the public health, safety, and general welfare; (3) preparing for anticipated changes in land use, thereby causing significant savings in both private and public expenditures; and (4) providing for necessary public services on the lowest possible cost basis and achieving the maximum secured tax base for the community.
2. Definitions. The following words and phrases when used in this Section shall have the following meanings:
  - A. “Commission” means the Planning Commission.
  - B. “Land Use Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire City, as well as a specialized plan showing specific areas or specific types of land uses such as residential, commercial, industrial, public, or semi-public uses or any combination thereof.
  - C. “Transportation Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the various modes of transportation in the City such as streets and highways, mass transit, railroads, trucking, and includes a major thoroughfare plan.
  - D. “Community Facilities Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the public or semi-public facilities of the City such as recreational, educational, and cultural facilities.
  - E. “Capital Improvements Program” means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the City, and such other information as the Commission deems relevant.
  - F. “Official Map” means a map adopted in accordance with Minnesota Statutes Section 462.359, showing existing streets, proposed future streets, and the area needed for widening existing streets of the City. The map may also show the location of existing and future public land and facilities within the City.



3. Planning Commission Established.
  - A. Creation. There is hereby created a Planning Commission for the City of Mahtomedi to be comprised of seven (7) members appointed by the City Council.
  - B. Term. The term of each member shall be for three (3) years. Members may be removed at the discretion of the City Council.
  - C. Vacancies. If a Commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of the unexpired term.
  - D. Qualifications. Each member shall be a resident of the City of Mahtomedi. All members shall serve without compensation.
  - E. Chairperson. At its first meeting every April, the members of the Planning Commission shall appoint from among their membership a chairperson to serve for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or by the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.
4. Meetings. The Commission shall meet on the second Wednesday of every month. A majority of all members of the Commission shall constitute a quorum. A quorum is required for any action to be taken by the Commission.. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission may adopt such rules and regulations governing its proceedings as it deems necessary for the proper conduct of its business. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.
5. General Powers and Duties. The Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this Code and the Zoning Ordinance, including those related to Zoning Ordinance Amendments, Conditional Use Permits, Variances, and Site Plan Review.
6. Comprehensive Plan. The Commission shall prepare and recommend to the City Council a comprehensive municipal plan for the City of Mahtomedi. Such plan shall include a compilation of policy statements, goals, standards, and maps for

guiding the physical, social and economic development, both private and public, of the City and shall include a statement of policies, goals, and standards for (a) a land use plan; (b) a community facilities plan; (c) a transportation plan; (d) a capital improvements program; and (e) an official map. The comprehensive 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.

- A. Plan Adoption and Amendment. The Commission may adopt and amend a comprehensive municipal plan as its recommendation to the City Council. The plan may be adopted in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the City. Before adopting the comprehensive plan or any section or amendment thereto, the Commission shall hold at least one (1) public hearing thereon. A notice of the time, place, and purpose of the hearing shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. Adoption and amendment of the comprehensive plan or of any section thereof shall be by resolution adopted by a majority of all the members of the Commission. When adopted, a copy of the plan or of any section or amendment thereof shall be certified to the City Council.
- B. Adoption of Plan by City Council. Upon receiving a certified copy of the plan or of any section or amendment thereof from the Commission, the City Council may, by resolution of the majority of its members, adopt or amend the comprehensive plan or portion thereof so recommended as the official comprehensive plan of the City. After a public hearing upon such recommendation, notice of the time and place of which shall be given by publication once in the official newspaper of the City at least ten (10) days before the day of the hearing, until so adopted by the City Council, the plan or any section, or amendment thereof shall constitute only the recommendation of the Commission.
- C. Recommendations for Plan Execution. Upon recommendation by the Commission, the comprehensive plan or any section or amendment thereof, may be studied and the Commission may propose to the City Council reasonable and practicable means for putting the plan, section or amendment into effect. Such means may include zoning regulations, regulations for the subdivision of land, official map, a program for coordination of normal public improvements and services, and a capital improvement program.
- D. Plan Compliance. After a comprehensive plan, section, or amendment thereof has been certified to the City Council, no publicly owned interest in real property within the City shall be acquired or disposed of or any capital improvement authorized by the City, or any other agency or political subdivision having jurisdiction within the City, until after the

Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council its findings as to compliance with the comprehensive plan. If the Commission fails to report on the proposal within forty-five (45) days after such reference, such failure to report shall be deemed to have satisfied the requirements of this section. If the City Council determines that the proposed acquisition or disposal of real property or capital improvement bears no relationship to the comprehensive plan, it may dispense with the requirements of this section by resolution adopted by two-thirds vote.

- E. Studies. In exercising the powers granted under this Section, the Commission, with prior approval of the City Council, may collect and analyze data, maps, charts, tables, and other illustrations and displays and conduct necessary studies. The City Council may publicize findings and suggestions on planning matters within the scope and objectives of this Section.
- F. Appropriation. The City Council may appropriate moneys from any fund not dedicated to other purposes in order to finance planning activities authorized by this Section. The City Council may receive and expend grants and gifts for such planning purposes and may enter into contracts with other governmental units or private agencies in furtherance of the planning activities authorized herein.
- G. Plan Effectuation. Upon prior approval of the City Council and its finding that such action will promote the public health, safety, and general welfare, the Commission may prepare additional procedures for plan effectuation, including (a) zoning ordinances, (b) subdivision regulations, (c) official maps, and (d) such other means of plan execution as will accomplish the purposes of this Section. Such procedures shall be prepared in accordance with the provisions of Minnesota Statutes Chapter 462 and shall be certified to the City Council for its review and consideration.

## **2.12 PUBLIC ACCOUNTANT.**

The City Council shall appoint a Public Accountant for the purpose of auditing, examining, and reporting upon the books and records of accounts of the City each year in accordance with the minimum auditing procedures prescribed by the Public Examiner pursuant to Minnesota Statutes Section 412.222. The Public Accountant shall serve as an independent contractor and shall be compensated for his or her services as the City Council may from time to time prescribe.

### **2.13 SEWER DISPOSAL UTILITY.**

The Sewer Disposal System of the City of Mahtomedi shall be operated as a public utility under the direction and control of the City Administrator, who shall have authority to perform all acts necessary for its proper management and administration.

### **2.14 CITY FORESTER.**

The City Council may designate, appoint, hire, or contract with such persons as they deem necessary and appropriate to act as the City Forester. The City Forester shall be the Tree Inspector for the City, and the City Council may designate, appoint, hire, or contract with such persons as they deem necessary and appropriate to act as Assistant Tree Inspectors and to enforce and administer the provisions of Chapter 12 of this Code under the supervision of the Code Enforcement Officer.

### **2.15 WATER SYSTEM UTILITY.**

The Water System of the City of Mahtomedi shall be operated as a public utility under the direction and control of the City Administrator, who shall have authority to perform all acts necessary for its proper management and administration.

### **2.16 WEED INSPECTOR.**

Pursuant to State Statutes, the Mayor is designated as Weed Inspector within the City. The Code Enforcement Officer shall be the Assistant Weed Inspector for the City with the same power, authority and responsibility given to the Mayor in this capacity under State Statute. The City Council may designate, appoint, hire or contract with such persons as they deem necessary and appropriate to act as additional Assistant Weed Inspectors under the supervision of the Code Enforcement Officer.

### **2.17 FINANCE COMMISSION.**

1. Purpose. The purpose of the Finance Commission is to advise the City Council on financial matters affecting the City and its taxpayers.
2. Membership. The Commission shall consist of the City Administrator and up to seven (7) community residents appointed by the City Council.
3. Term. The term of each member shall be for three (3) years. Members may be removed at the discretion of the City Council.
4. Chairperson. At its first meeting every April, the members of the Finance Commission shall appoint from among their membership a chairperson to serve for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or by the City Council. No member may serve more than a total of two

- (2) terms as Chairperson. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.
5. Vacancies. If a commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of unexpired term.
  6. Meetings. The Commission shall meet at such times and places as it shall designate and may adopt and amend rules or procedures governing its proceedings. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of members present. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.
  7. Duties. The Commission shall provides advice to the City Council regarding:
    - A. Developing long-term strategies and plans to finance anticipated City service needs and capital improvements, which shall be integrated with the Comprehensive Plan;
    - B. Reviewing and analyzing the City's annual operating budget;
    - C. Exploring the possibility of combined or shared service opportunities with neighboring communities or other governmental agencies to achieve cost savings and improved services;
    - D. Participating in the process of identifying properties for development to provide tax base enhancement and to identify Mahtomedi's role in the regional framework of infrastructure, facilities, and business development;
    - E. Developing financial modeling capabilities to provide decision support for City finance issues and projects;
    - F. Participating in the development of marketing strategies, in cooperation with property owners and Economic Development Agencies, for development of approved commercial sites to attract desirable businesses to the community;
    - G. Communicating with the Mahtomedi School District and Washington County to determine their long-term taxation and spending policies to anticipate/project the overall burden to taxpayers;
    - H. Examining Tax Increment Financing (TIF) issues and establishing eligibility standards and guidelines;

- I. Recommending strategies for the enhancement and protection of residential neighborhoods to maintain property values and the property tax base; and
  - J. Determine the financial impact of any other specific projects, initiatives, or issues referred for review by the City Council.
7. Commission as Advisory Body. The Commission is an advisory body and shall not be considered a Finance Board under Minnesota Statutes and shall have no powers to acquire land, employ personnel, enter into contracts or leases, or any similar powers.

## **2.18 ENVIRONMENTAL COMMISSION.**

1. Appointment. The City Council shall appoint an Environmental Commission made up of seven (7) members to serve the following terms on the Environmental Commission: two (2) members shall serve for a term of one (1) year; two (2) members shall serve for a term of two (2) years; and, three (3) members shall serve for a term of three (3) years. Thereafter, members shall be appointed to serve three (3) year terms. Each member of the Commission shall be a resident of the City and shall serve without compensation. In its initial year, the City Council shall appoint one of the members to serve as chairperson for a term of one (1) year. Thereafter, at its first meeting every April, the members of the Environmental Commission shall appoint from among their membership a chairperson for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.
2. Meetings. The Environmental Commission shall meet at such times and places as it shall designate and may adopt and amend rules and procedures governing its proceedings. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.
3. Vacancies. If a commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of unexpired term.
4. Duties. The Environmental Commission shall prepare and recommend to the City Council such plans, programs, and reports as may be directed or generally desired by the City Council, and assist the City Council in identifying and establishing environmental, greening, and sustainable practice initiatives for the promotion

and preservation of the City's air, water, land, energy, and other natural resources. In furtherance of these general duties, the Commission shall:

- A. Review and recommend public education programs and policies which would encourage citizens and the development community to adopt practices that promote a sustainable society in the City;
  - B. Advise the City Council on policy matters relevant to sustainability and eco-municipality principals;
  - C. Recommend reasonable ways to encourage residential and commercial recycling, water conservation, and conservation of natural resources;
  - D. Maintain on-going relationships with the Washington County Department of Environmental Health, neighboring municipalities, and similar private and/or governmental entities, to assist in meeting governmental waste reduction mandates and
  - E. Assist and organize annual events and seminars such as Earth Day Recycling, rite of spring, environmental landscape workshops, and other activities that promote the protection of Mahtomedi's environment.
5. Environmental Commission Not a Board. The Environmental Commission shall not be considered a Board under Minnesota Statutes and shall have no powers to acquire land, employ personnel, enter into contracts or leases or any similar powers.

## **2.19 POLICE DEPARTMENT.**

The City Council may designate, appoint, hire, or contract with such law enforcement personnel or other law enforcement agencies as it deems necessary and appropriate to act as the Police Department for the City of Mahtomedi, and such law enforcement personnel or other law enforcement agency shall be considered to be the Mahtomedi Police Department for purposes of this Code. The Mahtomedi Police Department shall be responsible for enforcing the applicable state laws and Code provisions within the City.

## **2.20 BACKGROUND INVESTIGATIONS FOR CITY EMPLOYMENT.**

1. Purpose and Intent. The purpose and intent of this Section is to establish regulations that will allow law enforcement to access Minnesota's Computerized Criminal History information for the specific non-criminal purpose of employment background investigations for applicants who apply for city employment for the positions described in this Section.

2. Criminal History Employment Background Investigations.
  - A. Background Investigation Required. The Mahtomedi Police Department is hereby required, as the exclusive entity within and for the City, to do a criminal history background investigation on the applicants for all regular part-time or full-time employment as an employee of the City and other positions that work with children or vulnerable adults, unless the City hiring authority concludes that a background investigation is not needed.
  - B. BCA Data. In conducting the criminal history background investigation in order to screen employment applicants, the Mahtomedi Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system (BCA data) in accordance with BCA policy. Any BCA data that is accessed and acquired shall be maintained at the Mahtomedi Police Department under the care and custody of the Police Chief or his or her designee. A summary of the results of the BCA data may be released by the Mahtomedi Police Department to the hiring authority, including the City Council, the City Administrator, or other City staff involved in the hiring process.
  - C. Written Authorization. Before the investigation is undertaken, the applicant must authorize the Mahtomedi Police Department in writing to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes, Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior criminal convictions unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the City rejects the applicant's application on this basis, the City shall notify the applicant in writing of the following:
    - i. The grounds and reasons for the denial;
    - ii. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
    - iii. The earliest date the applicant may reapply for employment; and
    - iv. That all competent evidence of rehabilitation will be considered upon reapplication.

## **2.21 BACKGROUND INVESTIGATIONS FOR CITY LICENSES.**

1. Purpose and Intent. The purpose and intent of this section is to establish regulations that will allow law enforcement to access Minnesota's Computerized



Criminal History information for the specific non-criminal purpose of licensing background investigations for the licenses described in Chapters 7 and 8.

2. Criminal History License Background Investigations.

A. Background Investigation Required. The Mahtomedi Police Department is hereby authorized to perform a criminal history background investigation on applicants for the following licenses or approvals within the City:

- i. Intoxicating Liquor.
- ii. Pawnbrokers.
- iii. Licensed Charitable Gambling Organizations.

B. BCA Data. In conducting the criminal history background investigation in order to screen license applicants, the Mahtomedi Police Department is authorized to access BCA data in accordance with BCA policy. Any BCA data that is accessed and acquired shall be maintained at the Mahtomedi Police Department under the care and custody of the Police Chief or his or her designee. A summary of the results of the BCA data may be released by the Mahtomedi Police Department to the licensing authority, including the City Council, the City Clerk or other city staff involved in the license approval process.

C. Written Authorization. Before the investigation is undertaken, the applicant must authorize the Mahtomedi Police Department in writing to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes, Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor punishable by jail. If the City rejects the applicant's license application on this basis, the City shall notify the applicant in writing of the following:

- i. The grounds and reasons for the denial;
- ii. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06;
- iii. The earliest date the applicant may reapply for the license; and
- iv. That all competent evidence of rehabilitation will be considered upon reapplication.