

## **CHAPTER 31: DEPARTMENTS, BOARDS AND COMMISSIONS**

### Section

#### ***Police Department***

- 31.01 Police Department continued
- 31.02 Chief of Police
- 31.03 Duties of police
- 31.04 Uniform and badge
- 31.05 Reserve officers

#### ***Volunteer Fire Department***

- 31.20 Volunteer Fire Department continued; appointment of officers
- 31.21 Duties of Chief
- 31.22 [Reserved]
- 31.23 Records
- 31.24 Practice drills
- 31.25 Assistant Chief
- 31.26 Firefighters
- 31.27 Payment of Fire Calls
- 31.28 Compensation
- 31.29 Interference with Volunteer Fire Department
- 31.30 Policies and procedures

#### ***Planning Commission***

- 31.45 Establishment of the Planning Commission
- 31.46 Composition
- 31.47 Organization, meetings, minutes and expenditures
- 31.48 Powers and duties; comprehensive plan

#### ***Advisory Park and Recreation Board***

- 31.50 Advisory Park and Recreation Board
- 31.51 Park Acts Prohibited
- 31.52 Park and Recreation Rates and Fees

#### ***Economic Development Authority***

- 31.60 Establishing the Economic Development Authority

#### ***Public Utilities Commission***

- 31.70 Authority of the Public Utilities Commission

## ***POLICE DEPARTMENT***

### **31.01 POLICE DEPARTMENT CONTINUED.**

(A) If the city has a Police Department at the time this code is adopted, then the Department of the city is hereby continued. If the city does not have a Police Department at the time of the adoption of this code, then at any time after the code is adopted, the City Council may by resolution create a Police Department, which shall be organized and administered as provided for by this code. The City Council may at any time determine by resolution to discontinue the existence of a Police Department and provide for the enforcement of state laws and city ordinances by other means. The head of the Police Department shall be known as the Chief of Police and the number of additional members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council.

(B) All police officers shall meet the minimum standards for licensing as a peace officer as established by the Minnesota Peace Officers Standards and Training Board and have a current and valid peace officer license at the time of appointment. All police officers shall retain this license during their employment as a police officer with the city and will be subject to discharge if the license is suspended, revoked or becomes invalid for any reason. In addition, all police officers must have a valid Minnesota vehicle operator's license and must be insurable as a vehicle driver by the city's automobile insurance carrier.

### **31.02 CHIEF OF POLICE.**

The Chief of Police shall have supervision and control of the Police Department and its members. The Chief of Police shall be responsible for the proper training and discipline of the members of the Police Department. The Chief of Police shall be responsible for the keeping of adequate records and shall report to the City Council on the needs of the Police department and its work. Every member of the Police department is subordinate to the Chief of Police and shall obey the instructions of the Chief of Police and any superior officer. The City Council may designate one of the police officers as Acting Chief, who shall have all the powers and duties of the Chief of Police during the absence or disability of the Chief of Police.

### **31.03 DUTIES OF POLICE.**

Members of the Police Department are authorized to enforce the laws applicable to the city, bring violators before the court, and make complaints for offenses coming to their knowledge. Members of the Police Department are authorized to serve processes on behalf of the city and shall serve those notices as may be required by

the City Council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law. All fees shall be paid into the city treasury.

#### **31.04 UNIFORM AND BADGE.**

Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the city, except that the Chief of Police may authorize the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the city the badge, uniform and all other property of the city.

#### **31.05 RESERVE OFFICERS.**

(A) The Chief of Police may appoint, for a specified time, as many reserve officers as may be necessary. Reserve officers shall be subordinate to the Chief of Police. Under the provisions of M.S. ' 626.84, Subd. 1(e), as it may be amended from time to time, a **RESERVE OFFICER** is an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties shall not include enforcement of the general criminal laws of the state, and the reserve officer does not have full powers of arrest or authorization to carry a firearm on duty.

(B) The Chief of Police, or City Council if there is no Police Chief, may appoint, for a specified time, as many parking enforcement officers pursuant to M.S. ' 168B.035 Subd. 2, as it may be amended from time to time, as may be necessary. The parking enforcement officers shall be subordinate to the Chief of Police, if there is one, or the City Clerk. A **PARKING ENFORCEMENT OFFICER** is an individual whose services are utilized by a law enforcement agency to provide parking enforcement and administrative or clerical assistance. A parking enforcement officer's duties shall not include enforcement of the general criminal laws of the state, and the parking enforcement officer does not have full powers of arrest or authorization to carry a firearm on duty.

### ***VOLUNTEER FIRE DEPARTMENT***

#### **31.20 VOLUNTEER FIRE DEPARTMENT CONTINUED; APPOINTMENT OF OFFICERS.**

(A) If, at the time of the adoption of this code, the city has a Volunteer Fire Department, there is continued in this city a Volunteer Fire Department. If the city, at the time of the adoption of this code, does not have a Volunteer Fire Department,

the City Council may by resolution create a Volunteer Fire Department subject to the provisions of this code. All Volunteer Fire Departments are established under the authority of state law, M.S. ' 412.221, Subd. 17, as it may be amended from time to time.

(B) All officers of the Volunteer Fire Department shall be appointed by the City Council. These officers may be removed by the City Council for cause and after a public hearing. If one of the officers duly appointed shall resign his or her office, be removed from office by the City Council, or is deceased during his or her term of office, the successor shall be duly appointed by the City Council as soon as is practical and no later than two weeks from the time the position becomes open. The officer so appointed is so appointed for any period of the unexpired term of the vacated office.

(C) Firefighters and probationary firefighters shall be appointed by the City Council upon recommendation by the Chief of the Volunteer Fire Department. The process of recruitment, selection, appointment and termination of firefighters and probationary firefighters shall, as required by state law, follow all of the provisions of the Veteran's Preference Act, M.S. ' ' 43A.11 and 197.46, as they may be amended from time to time, and, as required by state law, there shall be no discrimination on the basis of age, race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual orientation or disability (except based on a bona fide occupational qualification) as provided by the Minnesota Human Rights Act, M.S. Ch. 363A, as it may be amended from time to time. Firefighters shall continue as members of the Volunteer Fire Department during good behavior until retirement, but may be removed by the City Council for cause after a public hearing.

(D) As required by state law, M.S. ' 412.241, as it may be amended from time to time, the City Council shall have full authority over the financial affairs of the Volunteer Fire Department, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. This division does not apply to the funds of any Fire Relief Association.

### **31.21 DUTIES OF CHIEF.**

The Chief shall have control of all fire fighting apparatus and shall be responsible for its care and condition. The Chief shall make a report semi-annually to the City Council at its meeting in March and in September as to the condition of the equipment and needs of the Volunteer Fire Department. The Chief may submit additional reports and recommendations at any meeting of the City Council, and he or she shall report each suspension by him or her of a member of the Volunteer Fire Department at the first meeting of the City Council following the suspension. The Chief shall be responsible for the proper training and discipline of the members of the

Volunteer Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council on his or her discharge or retention.

### **31.22 [RESERVED]**

### **31.23 RECORDS.**

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

### **31.24 PRACTICE DRILLS.**

It shall be the duty of the Chief, when the weather permits, to hold practice drills for the Volunteer Fire Department and to give the firefighters instruction in approved methods of fire fighting and fire prevention.

### **31.25 ASSISTANT CHIEF.**

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

### **31.26 FIREFIGHTERS.**

Firefighters shall not be less than 18 years of age and able bodied. They shall become members of the Volunteer Fire Department only after a 12-month probationary period. The City Council may require that each candidate, before he or she may become a probationary firefighter, must possess certain minimum height, weight, education, mental and physical health requirements, and any other qualifications which may be specified by the City Council.

### **31.27 PAYMENT OF FIRE CALLS WITHIN THE CITY OF LANESBORO AND WITHIN THE FIRE CONTRACTED AREAS**

The Lanesboro Volunteer Fire Department, for fire calls within the City of Lanesboro and within the fire contracted areas, will charge the property owner a fee for services for the firefighting and rescue equipment, with fees to be established and adjusted from time to time by the City Council.

### **31.28 COMPENSATION.**

The members and officers of the Volunteer Fire Department shall receive compensation as provided by the City Council.

### **31.29 INTERFERENCE WITH VOLUNTEER FIRE DEPARTMENT.**

It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief or other firefighter at a fire, or to interfere with the Volunteer Fire Department in the discharge of its duties.

Penalty, see ' 10.99

### **31.30 POLICIES AND PROCEDURES.**

The Volunteer Fire Department may adopt policies and procedures for the operation of the department, which shall be effective upon approval by the City Council. Any provision of these policies and procedures, which may be called a Constitution and Bylaws, which is inconsistent with state and federal law, including the Veterans Preference Act, Minnesota Human Rights Act, and state laws requiring the City Council to control Fire Department Finances, shall be unenforceable and void.

## ***PLANNING COMMISSION***

### **31.45 ESTABLISHMENT OF THE PLANNING COMMISSION.**

If, at the time this code is adopted, the city has a Planning Commission, the Planning Commission for the city is hereby continued. If the city did not have a Planning Commission at the time of the adoption of this code, the City Council may at any time determine to establish a Planning Commission by appointing members to the Planning Commission as provided in ' 31.46 of this code. To the extent that any provisions of ' ' 31.45 to 31.48 of this code are inconsistent with any provisions of Titles XV or XVII, the provisions of those titles shall prevail. The Planning Commission shall be the city planning agency authorized by M.S. ' 462.354(1), as it may be amended from time to time.

### **31.46 COMPOSITION.**

(A) The Planning Commission shall consist of five members from the resident population of the city to be appointed by the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any

vacancy, the City Council, shall appoint a person to complete the unexpired term.

(B) One member may be a Council Member or the City Clerk, to be appointed by the City Council. This member shall serve for a one year term, to expire on December 31 of each year.

(C) Other persons may serve in an ex officio capacity as the City Council may, in its discretion, deem appropriate.

(D) Each of the five regular Planning Commission members shall have equal voting privileges. Any member may be removed for cause by majority vote of the City Council upon written charge and after a public hearing.

### **31.47 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES.**

(A) At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine is necessary.

(B) The Planning Commission shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(C) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Planning Commission meeting.

(D) No expenditures by the Planning Commission shall be made unless and until authorized for the purpose by the City Council.

### **31.48 POWERS AND DUTIES; COMPREHENSIVE PLAN.**

(A) *Generally.* The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by the City Council or city policy. The Planning Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission shall periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into

effect the plan or section thereof in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

(C) *Zoning ordinance.* Pursuant to M.S. ' 462.357, Subd. 4, as it may be amended from time to time, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by the City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report recommendations to the City Council for action.

(D) *Conditional permits.* The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(E) *Interim Use Permits.* The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action

(F) *Subdivision regulations.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance and may conduct public hearings as directed by the City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

(G) *Variances.* All applications for variances may be referred to the Planning Commission which may conduct public hearings as directed by the City Council or city policy, and forwarded with or without recommendations directly to the City Council, which shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. ' 462.357, Subd. 6, as it may be amended from time to time for its decision.

(H) *Official Map.* Pursuant to M.S. ' 462.359 subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any

portion thereof. The official map or maps shall be prepared in sufficient detail to permit establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior



to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed surveyor.

(I) *Appeals to denials of zoning, land use or building permits based on the official map.* All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, Subd. 4, as it may be amended from time to time for its decision.

(J) *Purchase and sale of real property.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgement it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(K) *Capital improvements.* Pursuant to M.S. ' 462.356, Subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings, as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

(L) *Comprehensive Plan amendments.* Pursuant to M.S. ' 462.355, Subds. 2 and 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council on comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

### **ADVISORY PARK AND RECREATION BOARD**

#### **31.50 ADVISORY PARK AND RECREATION BOARD.**

(A) If the city has an Advisory Park and Recreation or similar Board at the time this code is adopted, that Board is hereby continued. If the city had no Board but wishes to create one, it may do so by resolution, and the provisions of this code will apply.

(B) The Board shall consist of five members from the resident population of the city to be appointed by the Mayor with the approval of the City Council. The appointees shall be appointed to serve staggered terms of three years, except as noted below, commencing on the first day of January in the year of appointment. Upon expiration of a term, the appointee shall continue until reappointed or a successor is appointed. Absences from any three meetings in a year, unless excused in advance by the Chair, constitutes a vacancy. In the event of any vacancy, the Mayor, with the approval of the City Council, shall appoint a person to complete the unexpired term.

(C) (1) At the first regular meeting in January, the Board shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Board may create and fill other offices as it may determine.

(2) The Board shall hold at least one meeting each month at the time and place as they may fix by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson.

(3) Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to the approval at the next Board meeting.

(4) No expenditures by the Board shall be made unless and until authorized for the purpose by the City Council.

(D) The Board will consult with the City Council and the Planning Commission and shall be advisory to the City Council in matters relating to park lands, park facilities, park and recreation programs and finances. The Board may meet with various groups on matters relating to park and recreation activities.

### **31.51 PARK ACTS PROHIBITED**

In order to preserve peace and orderly behavior in said park, the following acts are forbidden, or allowed upon the terms hereinafter specified.

1. It shall be unlawful to bring any keg of beer into said park.
2. It shall be unlawful to discard or leave any rubbish or refuse in said park except in the containers or barrels therein provided for said rubbish or refuse.
3. It shall be illegal to maintain, in said park, any open fire. An open fire is defined as one that is not contained in a grill, or other apparatus designed for said fire,
4. It shall be unlawful to drive any motor vehicle upon the park grounds, except for the road therein maintained for said motor vehicles.
5. Motor vehicles shall not be operated in said park in such a manner

as to constitute a hazard or danger to life or property.

6. It shall be unlawful, except for a function or gathering specifically sanctioned in advance by the Lanesboro City Council, for anyone to play, either from a recording or live, any loud or raucous music on said park premises.

7. It shall be unlawful for the campground area to be used for any purpose other than camping. Only persons who have paid fees shall be allowed to use this area.

8. The park area shall be closed to all persons, except campers, between the hours of 10:00 P.M. and 6:00 A.M.

**31.52 PARK AND RECREATION RATES AND FEES**

Community Center

	<u>Regular</u>	<u>Non-Profit</u>
Auditorium	\$500.00	\$175.00
Community Room	\$100.00	\$50.00
Chamber	\$75.00	\$50.00
Kitchen	\$75.00	\$50.00
Key Deposit	\$150.00	\$150.00
Security Deposit	\$150.00	\$150.00
Gazebo	\$50.00	\$25.00

Parks

	<u>Daily</u>	<u>Weekly</u>
Tent Camping	\$20.00	\$95.00
RV Camping	\$30.00	\$155.00

**31.60 ESTABLISHMENT OF ECONOMIC DEVELOPMENT AUTHORITY**

Provision of State Law Adopted: The provisions of Minnesota Statutes, Chapter 340.090, et.seq., relating to the definition of terms, procedural requirements, designation of powers, and all other matters pertaining to the Economic Development Commission for the City of Lanesboro, and to the extent they are not limited by this Ordinance, are adopted and made a part of this Ordinance as if set out in full.

Establishment of Economic Development Authority: The City Council has, by enabling resolution adopting this Ordinance, and pursuant to MSA Section. 469.089 et.seq., established an Economic Development Authority for the City of Lanesboro.

Modification of Resolution Establishing the Economic Development Authority: The resolution establishing the Economic Development Authority, and this Ordinance, may be modified at any time, subject to MSA Section 469.092 Subd. 5, as long as any modification is made in accordance with MSA Section 469.092.

Authority: Pursuant to MSA Section 469.094, the City Council does hereby give the Economic Development Authority the power for economic development, housing, or redevelopment as provided in MSA Section 469.094, 469,001 to 469.047, and 469.090 to 469.108. At the time of the establishment of this Economic Development

Authority, the City of Lanesboro does not have, in existence, any housing or redevelopment authority or commission as allowed under Minnesota law. However, in the event any such commissions or authorities are established, the City Council does reserve the right to divide the economic development, housing and redevelopment powers between any of those future entities, by ordinance, in accordance with MSA Section 469.094 and other applicable statutes.

Powers: The City Council does impose the following limits upon the actions of the Economic Development Authority hereby established:

- (a) The Economic Development Authority must not exercise any powers contained in sections 469.001 to 469.047, 469.090 to 469.108 and 469.124 to 469.134, or any other powers that the Economic Development Authority may exercise pursuant to statute, without the prior approval of the City Council.
- (b) Except when previously pledged by the Economic Development Authority, the Economic Development Authority may be required to transfer any portion of the reserves generated by activities of the Authority that the City Council determines is not necessary for the successful operation of the Authority to the debt service fund of the city, to be used solely to reduce tax levies for bonded indebtedness of the City.
- (c) The sale of all bonds or obligations issued by the Authority must be approved by the City Council before issuance.
- (d) The Authority shall follow the budget process for city departments as provided by the City and as implemented by the City Council and Mayor.
- (e) The official actions of the Authority must be consistent with the adopted comprehensive plan of the City, and any official controls implementing the comprehensive plan.
- (f) The Authority must submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the City Council for approval.

Commissioners(Appointment, Terms, Vacancies. Pay, Removal):

The Economic Development Authority shall consist of three commissioners, one of whom must be a member of the City Council. All commissioners shall be appointed by the Mayor with the approval of the City Council. One initial City Council member shall be appointed for a term of three years. The remaining two Commissioners shall be appointed for terms of four, and six years respectively. Thereafter, all Commissioners shall be appointed for six year terms.

Compensation and Reimbursement:

A Commissioner, including the President, shall be paid for attending each regular or special meeting of the Authority in an amount to be determined by the City Council. In addition to receiving pay for meetings, the Commissioners may be reimbursed for actual expenses incurred in doing official business of the Authority. All money paid for compensation or reimbursement must be paid out of the Authority's budget.

Removal for Cause:

A Commissioner may be removed by the City Council for inefficiency, neglect of duty, or misconduct in office. A Commissioner shall be removed only after a hearing. A copy of the charges must be given to the Commissioner at least ten days before the hearing. The Commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a

Commissioner, the City Council may temporarily suspend the Commissioner. If the City Council finds that those charges have not been substantiated, the Commissioner shall be immediately reinstated. If a Commissioner is removed, a record of the proceedings, together with the charges and findings, shall be filed in the Office of the City Clerk.

Officer: Duties: Organizational Matters.

The Authority may adopt by-laws and rules of procedure, and shall adopt an official seal.

Officers: The Authority shall elect a President, a Vice-President, a Treasurer, a Secretary, and as Assistant Treasurer. The Authority shall elect a President, Treasurer, and Secretary annually. A Commissioner must not serve as President and Vice-President at the same time. The other offices may be held by the same Commissioner. The offices of Secretary and Assistant Treasurer need not be held by a Commissioner.

Duties and Powers: The officers have the usual duties and powers of their offices. They may be given other duties and powers by the Authority.

Treasurer's Duties:

- (a) Shall receive and is responsible for Authority money:
- (b) Is responsible for the acts of the Assistant Treasurer:
- (c) Shall disburse Authority money by check only:
- (d) Shall keep an account of the source of all receipts, and the nature, purpose and authority of all disbursements: and
- (e) Shall file the Authority's detailed Financial Statement with the Secretary at least once a year at times set by the Authority.

Assistant Treasurer: The Assistant Treasurer has the powers and duties of the Treasurer if the Treasurer is absent or disabled.

Treasurer's Bond: The Treasurer shall give Bond to the State conditioned for the faithful discharge of official duties. The Bond must be approved as to form and surety by the Authority and filed with the Secretary. The Bond must be for twice the amount of money likely to be on hand at any one time, as determined at least annually by the Authority provided that the Bond must not exceed \$300,000.00.

Public Money: Authority money is public money.

Checks: An Authority check must be signed by the Treasurer and one other officer named by the Authority in a resolution. The check must state the name of the payee and the nature of the claim that the check is issued for.

Financial Statement: The Authority's detailed Financial Statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the Authority's credits and assets, and its outstanding liabilities in a form required for the City's financial statements. The Authority shall examine the statement together with the Treasurer's vouchers. If the Authority finds that the statement and vouchers are correct, it shall approve them by resolution and enter the resolution in its records.

Powers: The Economic Development Authority shall have all powers under MSA Sections 469.101, §469.102, §469.103, §469.105, and §469.106.

### **31.70 Authority of the Public Utilities Commission**

- A. **PURPOSE:** The City of Lanesboro established a Public Utilities Commission by resolution dated February 9 1938. In the City of Lanesboro 1974 ordinance code, ordinance section 240 determined and delegated what public utilities were under the jurisdiction of the Public Utilities Commission, and section 305 of the code of ordinances specified that the Public Utilities Commission had jurisdiction over electric service connections, water service leads, and sewer connections. The purpose of this ordinance is to further identify and specify the jurisdiction that the City of Lanesboro (hereinafter “City”) and the Lanesboro Public Utilities Commission (hereinafter “LPU”) has over all public utilities in the City of Lanesboro, including electric, water, and sewer utilities. In connection with Minnesota Statute Section 412.361, which provides for public utility commission powers, this ordinance shall specify what powers the LPUC shall hold and what powers remain to the City. This ordinance shall replace ordinance section 240 and ordinance section 305 as above mentioned, and any other ordinances or regulations of the City Lanesboro that are inconsistent with the provisions of this ordinance.
- B. **JURISDICTION AND AUTHORITY:** The City shall have the power to extend and to modify or rebuild any public utility and to do anything it deems necessary for its proper and efficient operation; and it may enter into necessary contracts for these purposes. The provisions of section 412.311 relating to advertisement for bids shall apply to contracts of the City of Lanesboro.
1. The Public Utilities Commission shall have the power to employ all necessary help for the management and operation of the public utility, prescribe duties of its officers and employees and fix their compensation.
  2. The Public Utilities Commission has power to buy all fuel and supplies; however, when it comes to purchase of wholesale electric energy, steam heat, hot water energy, gas or water, as the case may be, for municipal distribution, the City shall have that power. Purchases other than for fuel and supplies, and any other purchase or contract for purchase over \$25,000 shall require prior City Council approval. The City council continues to have exclusive authority regarding the purchase of wholesale electric energy, steam heat, hot water energy, gas or water, as the case may be, for municipal distribution, even if those purchases do not exceed \$25,000.
  3. The commission shall have the power to recommend rates and reasonable rules and regulations for utility service supplied by the City of

- Lanesboro and the public utilities. However the City of Lanesboro has ultimate authority to determine those rates and regulations.
4. The public utilities commission shall have power to enter into agreements with the City for payments by the City for utility service, compensation for use by either the commission or the City of buildings, equipment, and personnel under the control of the other, payments to the City in lieu of taxes, transfers surplus utility funds to the general fund, and also agreements and other subjects of relationships between the commission and the Council.
  5. The City Council retains the authority to make all final decisions relating to the sewer system budget, water system budget, and electrical system budget, both revenues and expenditures. This includes setting fees and rates and issuing bonded indebtedness. It also includes entering into contracts with service providers, consultants and engineers.
  6. The Public Utilities Commission shall have administrative functions of the water, sewer, electric and electric utilities. The City shall have all of jurisdiction and administrative functions over garbage systems and garbage utilities. The utility commission has all administrative authority over the day-to-day functions of the utilities as stated above. The utility commission makes recommendations to the City Council regarding proposed capital improvements and financing thereof, but the final decision on those capital improvements and financing arrangements remain with the City Council.