

CHAPTER II: OPERATIONS AND ADMINISTRATION

PART I. THE COUNCIL

201.01. MEETINGS: Subdivision 1. REGULAR MEETINGS: Regular meetings of the council shall be held on the 3rd Wednesday of each calendar month at 7: 00 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.

Subd. 2. SPECIAL MEETINGS: The mayor or any two 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. This notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. Similar notice shall be given to KRBI radio, and a copy shall be posted at the bulletin board at the city hall, at the post office, and at the Henderson Public Library.

Subd. 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 council members as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city, or, in 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.

Subd. 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 acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at meeting choose one of their numbers to act temporarily as presiding officer.

Subd. 2. PROCEDURE: The presiding officer shall preserve order, enforce the rules of procedure therein prescribed, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules or Order, Revised.

Subd. 3. APPEAL PROCEDURE: Any council member may appeal to the council from ruling of the presiding officer. If the appeal is seconded, the member may speak 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 council members present exclusive of the presiding officer.

Subd. 4. RIGHTS OF PRESIDING OFFICER: The presiding officer may make motions, second motions, or speak on any question except that on demand of any council member he shall vacate the chair and designate a council member to preside temporarily.

201.03. MINUTES: Subdivision 1. WHO KEEPS: The clerk shall keep minutes of each council meeting. In the absence of the clerk, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

Subd. 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 no be read aloud, but the presiding officer shall call for any additions 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 therefor. Council business shall be conducted in the following order:

1. Call to Order
2. Approval of minutes
3. Public hearings
4. Petitions, requests to appear before the council
5. Ordinances and resolutions
6. Reports of officers, boards, and committees
7. Old business
8. New business
9. Miscellaneous
10. Adjournment

Subd. 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.

Subd. 3. AGENDA: The administrator shall prepare an agenda of business for each regular council meeting and file a copy in the office no later than 5 days before the meeting when possible and practical. 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 city attorney and clerk 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.

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.

Subd. 2. VOTING: The votes of the members on any questions may be taken in any manner that signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote 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 minute, as to his name, shall be marked "Abstain."

Subd. 3. VOTES REQUIRED: A majority vote of all members of the council shall be necessary for approval of an ordinance unless a large 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 readings before the council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subd. 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 in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 3. REPEALS AND AMENDMENTS: Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution or part thereof shall be set forth in full each amended section or subdivision as it will read with the amendment.

Subd. 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. Every petition addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition shall be recorded in the minutes in the office of the clerk.

201.07 COMMITTEES: Subdivision 1. COMMITTEES DESIGNATED: The council may create such committees, standing or special, as it seems necessary. Committees shall consist of as many members and perform such duties, as the council may require. Committee members shall be appointed by the mayor at the first regular meeting in January of each year.

Subd. 2. MEMBERSHIP: Each committee shall consist of two members of the council and the mayor shall designate the chairman of each committee. Each committee member shall serve as appointed unless excused by a majority of the members of the council. If the committee does not provide otherwise, committee meetings shall be held at the call of the chairman. The same notice shall be given of committee meetings as for special meetings of the council except that personal notice needs not be given each member if the committee so decides.

Subd. 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 shall act promptly and faithfully on any matter referred to it.

201.08 SUSPENSION OR AMENDMENT OF RULES: These rules may be suspended only by unanimous vote of the members present and voting.

201.09. SALARIES OF MAYOR AND COUNCIL MEMBERS: Salaries and compensation for meetings of Mayor and council members shall be determined by majority vote of the council by resolution after motion duly made and seconded at the annual meeting of the council.

PART II. CITY ADMINISTRATOR

202.01. ESTABLISHMENT: The position of City Administrator is hereby established as the chief executive officer for the City of Henderson under the authority of MS.412.111.

202.02. APPOINTMENT: The City Administrator shall be appointed by a majority of the city council and shall serve for an indefinite term. The administrator shall be chosen on the basis of executive and administrative qualifications, and shall have experience in the area of government or business administration.

202.03. EMPLOYMENT AGREEMENTS: The council may enter into such contracts or employment agreements, as it seems necessary to further the purpose of this ordinance.

202.04. RELATIONSHIPS: The administrator shall be subordinate to the city council and all advisory boards and commissions appointed by the council. The administrator shall be responsible for, and shall be the supervisor of all municipal departments, operations and activities; and shall provide coordination with the city and among all outside agencies, officials and consultants.

202.05. REMOVAL: The administrator may be removed from the office by a majority of the council with or without cause, or upon the natural lapse of his contract.

202.06. DUTIES AND RESPONSIBILITIES:

1. He/She directs the administration of the city as provided by Council action, State and Federal Statutes, and local ordinances, laws, resolutions, and agreements.
2. Prepares reports and summaries relating to contemplated municipal projects and/or improvements and submits them with recommendations as may be required to the Council and submits quarterly reports to the Council on the financial condition of the city accounts.
3. Prepares the annual fiscal budget and maintains financial guidelines for the municipality within the scope of the approved budget.
4. Assists in preparation of the annual financial statement.
5. Attends and participates in all council meetings. Attends at his discretion or by invitation or by direction of the council any other committee and/or commission meetings.
6. Coordinates municipal programs and activities as authorized by the council, supervises activities of all municipal employees, and is given the authority to interview and screen prospective city employees, as permitted by law and is able to make recommendations as to employment and removal of employees to the City Council.
7. Works in cooperation with the Council's appointed attorney, engineer, auditor, assessor, or consultant, and monitors or assists with any work, contractual or otherwise, performed by these professionals.
8. Prepares news releases, develops and discusses public relations material with all concerned as required. Maintains good public relations with the general public. Handles correspondence on behalf of the council.
9. Consults with appointed officials and with other public or private agencies as may be required.
10. Is fully informed regarding Federal, State, and County programs that affect municipality.
11. Serves as the personnel officer for the city and enforces and upholds all such authorized ordinances and resolutions.
12. Serves as the city council's liaison and intermediary with the general public and other commissions and boards.
13. Recommends from time to time the adoption of such measures, as he/she may deem necessary or expedient for protecting the health, safety, and welfare of the community or for the improvement of the administration of city departments.
14. Prepares the city council agenda.
15. Is responsible for the preparation of the Planning and Zoning Commission agendas and acts as Zoning Administrator.
16. Performs any other tasks the city council feels are necessary and within the scope of duties to be performed by the City Administrator.
17. The City Administrator shall be the data privacy officer for the City of Henderson.

202.07. TEMPORARY APPOINTMENT: In the absence of or in case of temporary vacancy in the position of the city administrator, the title Administrator, City Administrator and/or Supervisor as well written in all ordinances and/or resolutions adopted by the City Council, shall be replaced by the title of City Council.

PART III. CITY CLERK/TREASURER

203.01. ESTABLISHMENT: Pursuant to the authority granted by M.S.A. 412.591, Subdivision 2, the offices of city clerk and city treasurer and combined and the office of city clerk-treasurer established.

203.02. APPOINTMENT: The city clerk-treasurer shall be appointed by a majority of the council and shall serve for an indefinite terms. The clerk-treasurer shall be chosen on the basis of clerical and financial qualifications and shall have the necessary experience to perform the duties of the office.

203.03 OFFICIAL BOND AND OATH OF OFFICE: The city clerk-treasurer shall be required to furnish a corporate surety bond in the amount of \$10,000.00 and take the oath of office at the time of qualifying for office. The city is hereby authorized to pay the premium for the required bond.

203.04 REMOVAL: The city-clerk-treasurer may be removed from office by a majority of the council with or without cause. If he/she has served as clerk/treasurer for more than one year, written charges and a public hearing shall be provided if requested within 10 days of the council's action. The hearing must be held within 30 days of the request of the hearing.

203.05. DUTIES AND RESPONSIBILITIES: The duties and responsibilities of the clerk/treasurer shall be those provided for by state statute, and this ordinance. Including, but not limited to the following:

1. Keep records of the council proceedings, including the maintenance of minutes, resolutions and ordinance books.
2. Keep records of other boards and commissions as assigned.
3. Supervise the conducting of all city elections.
4. Maintain all financial records of the city and prepare all financial reports.
5. Prepare the municipal payroll and keep records regarding same.
6. Execute all official papers duly authorized by the council.
7. File official documents and other records necessary for the efficient and effective operation of the city.
8. Certify documents attesting to its validity when required.
9. Perform other duties as the council or administrator may from time to time direct.

PART IV. POLICE DEPARTMENT

204.01 ESTABLISHMENT: A police department is hereby continued. The head of the department shall be known as the chief 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.

204.02. 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 said chief.

204.03. DUTIES OF POLICE: Members of the police department shall enforce the ordinances 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 notices as may be required by the council or other authorities.

204.04. UNIFORM AND BADGE: Each member of the department shall, while on duty, wear a suitable badge and uniform, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates his membership in the department, he shall immediately deliver to the city all property of the city in his possession.

204.05. SPECIAL POLICE: The council may appoint as many police officers as permitted by state statutes. During such term of appointment, the police officers shall have only those powers and perform only those duties as shall be specifically assigned by the council.

PART V. FIRE DEPARTMENT

205.01. ESTABLISHMENT OF FIRE DEPARTMENT. There is hereby continued in this city a volunteer fire department consisting of a chief, two assistance chiefs, a fire marshal, captain, one lieutenant, training officer, administrative assistant and the number of firefighters needed to protect the fire district.

205.02. APPOINTMENT. The chief of the fire department, fire marshal, assistance chiefs and other officers shall be appointed bi-annually by the city council upon recommendation of the city personnel committee and/or Henderson Fire Chief. Each shall hold office for 2 year staggered terms. Said staggered terms shall commence in 2011 with the appointments of the Fire Chief, Second Assistant Fire Chief, Lieutenant and Training Officer. In 2012, the First Assistant Fire Chief, Captain and Administrative Assistant will come up for appointments. Those officers currently holding the above mentioned appointments shall remain in their present capacity until a successor has been duly appointed, except that they may be removed by the council for cause after a public hearing. Firefighters and probationary firefighters shall be appointed by the city council upon recommendation of the City of Henderson Personnel Committee and Fire Chief. Firefighters shall continue as members of the department during good behavior and may be removed by the council for cause after a public hearing.

205.03. DUTIES OF FIRE MARSHAL. The office of 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/She shall have full authority to inspect all premises and to cause the removal or abatement of fire hazards.

205.04 DUTIES OF FIRE CHIEF. The duties of the fire chief shall be described and delineated in the City of Henderson Fire Department Policies and any amendments thereof which were originally approved by the Henderson City Council on November 10, 2010 and are incorporated herein by reference.

205.05. RECORDS. The fire chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, as may be required from time to time by the council or state insurance department.

205.06. TRAINING DRILLS. All active members of the Henderson Fire Department shall attend training drills, etc. as outlined in the Henderson Fire Department Policies and any amendments thereof which are incorporated herein by reference.

205.07. ASSISTANT CHIEFS. The duties of the Assistant Fire Chiefs are as described and delineated in the Henderson Fire Department Policies and any amendments thereof and are incorporated herein by reference.

205.08. FIREFIGHTERS. Qualifications for Firefighters are as delineated in the City of Henderson Fire Department policies and any amendments thereof and are incorporated herein by reference.

205.09. DISCIPLINE, DISCHARGE AND APPEAL PROCEDURES. Section 7 of the Henderson Fire Department Policies and any amendments thereof approved by the Henderson City Council and incorporated herein by reference delineates Discipline, Discharge, and Appeal procedures. Sections 209.16 and 209.28 of the Henderson City Code relating discipline and employee reviews shall be followed shall govern where appropriate and necessary.

205.10. COMPENSATION. Members/Officers of the Henderson Fire Department shall receive compensation as approved by the council.

205.11. MINIMUM PAY IS REPEALED

205.12. PRESENT MEMBERS. No person who is a member of the Henderson Fire Department at the time of the adoption of this ordinance shall be required to serve a probationary period before becoming a firefighter.

205.13. RELIEF ASSOCIATION. The members and officers of the fire department may organize themselves into a firefighters' relief association in accordance with the law.

205.14. 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 fire chief at a fire, or interfere with the fire department in the discharge of its duties. Violation of 205.14 shall constitute a misdemeanor.

205.15. ESTABLISHING FEES FOR EMERGENCY PROTECTION FIRE SERVICES PROVIDED BY THE HENDERSON FIRE DEPARTMENT.

SECTION 2: DEFINITIONS: (A) "Emergency Protection Fire Service" means any deployment of fire fighting 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 fire fighting personnel and/or equipment to provide EMT service, fire suppression, rescue, extrication, and other services related to fire and rescue as may occasionally occur.

- (B) “Emergency Protection Fire Service Charge” means the charge imposed by the City for receiving emergency protection 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. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.
- (D) “Emergency Protection Fire Service Agreement” means a contact between the City and a town or other city for the City to provide emergency protection fire services.
- (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.

SECTION 3: PARTIES AFFECTED: (A) Owners of property within the City who receive emergency protection fire service.

(B) Anyone who receives emergency protection fire service as a result of a motor vehicle accident or fire within the City.

(C) Owners of property in towns or cities to which the City provides emergency protection fire service pursuant to a fire protection agreement.

SECTION 4: RATES

SECTION 5: BILLING AND COLLECTION: (A) Parties requesting and receiving emergency protection fire services may be billed directly by the City. Additionally, if the party receiving emergency protection fire services did not request services but a fire or other emergency situation exists which, at the discretion of the fire department personnel in charge requires emergency protection fire service, the party will be billed whether or not the emergency protection fire service is covered by insurance. Any billable amount of the service not covered by a party’s insurance remains a debt of the party receiving the emergency protection fire service.

(B) Parties billed for emergency protection fire service will have 30 days to pay. If the 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 emergency protection fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the service charge. The party receiving emergency protection 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 service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid emergency protection fire service charge to the county auditor for collection with property taxes. The City must give the property owner notice of its intent to certify the unpaid service charge by September 15.

(E) False alarms will be billed as an emergency protection fire service call.

SECTION 6: EMERGENCY PROTECTION FIRE SERVICE AGREEMENTS AND MUTUAL AID AGREEMENTS: When the City fire department provides emergency protection fire service to another town or fire department pursuant to a Mutual Aid Agreement or EPFSA, the billing will be determined by the applicable terms of said agreement.

SECTION 7: APPLICATION OF COLLECTIONS TO BUDGET: All collected emergency protection fire service charges will be city funds and used to offset the expense of the City fire department in providing fire services.

SECTION 8: EFFECTIVE DATE: The ordinance shall become effective October 19, 2005.

PART VI. FIRE PROTECTION COMMISSION

206.01. ESTABLISHMENT OF COMMISSION: A fire protection commission for the area served by the Henderson Fire Department it hereby established as an advisory body to the city council under its jurisdiction, authority and control, as authorized by M.S. A. 471. 476.

206.02. COMPOSITION. Subdivision 1. MEMBERSHIP: The fire protection commission shall consist of one (1) member from each governmental subdivision contracting for fire protection from the city, as well as two (2) representatives from the city. Members shall be appointed and may be removed by their respective governing bodies. The city administrator, city attorney and fire chief shall be ex-officio members of the commission.

Subd. 2. TERMS, VACANCIES, OATH: The terms of the commission members shall be one-year terms, expiring on December 31 of each year. Appointees shall hold their offices until their successors are appointed and qualified. The terms of ex-officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the respective governing body for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office. All members shall serve without compensation.

206.03. ORGANIZATION, MEETINGS, ETC: Subdivision 1. OFFICERS: The commission chair shall be the representative from the city council. Other offices may be created and filled by the commission as it deems necessary. The city clerk or deputy clerk shall act as secretary of the commission.

Subd. 2. MEETINGS, RECORDS, REPORTS: The commission shall hold at least one regular meeting quarterly. It shall adopt a set of by-laws for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which shall be a public record. Annually the commission shall submit to the city council a report of its work done during the preceding calendar year. Expenditures of the commission shall be within amounts appropriated for the purpose by the City Council.

206.04. FIRE DISTRICT, DEFINED: The Henderson Fire District shall be that area encompassing the incorporated areas defined in all fire contracts with the City of Henderson. The fire district may from time to time adjust its boundaries according to the contracts currently in force.

206.05. POWERS AND DUTIES: Subdivision 1. GENERAL: The commission shall have those powers and duties given it by this ordinance and by the city council.

Subd. 2. BUDGET: The commission shall prepare, approve, and recommend a budget for operational and capital expenditures of the fire department for the following year.

Subd. 3. FIRE PROTECTION RATES:

1. The commission shall set the fire protection rates for the current year.
2. The commission may use any method or formula for the determination of fire protection rates that it seems fair and equitable.
3. Charges set by the commission shall be due and payable to the Fire Fund by agreed upon date.

Subd. 4. CONTRACTS: The commission shall provide a forum for all fire protection contract negotiations and shall review, approve and recommend to the council final disposition of all contracts.

Subd. 5. OTHER: The commission may from time to time develop and recommend to the city council such policies as they seem fitting and /or necessary to provide for the effective and efficient operation of the fire department.

206.06. RETENTION OF POWERS: In order to comply with enabling legislation, the City of Henderson shall have, maintain and retain title and control of all property used for, incident to, or in connection with the provision of fire protection within the fire district.

PART VII. PLANNING COMMISSION

207.01. ESTABLISHMENT OF COMMISSION: A city planning commission for the City of Henderson is hereby established. The commission shall be the city-planning agency authorized by Minnesota Statutes, Section 462.354, Subdivision 1.

207.02 COMPOSITION: Subdivision 1. MEMBERSHIP: The City Planning Commission shall consist of five members. The City Administrator and the City Attorney shall be members ex-officio and the City Council shall select one member of the commission from its own membership to act as chair for a term of one year. The other four members shall be appointed by the mayor from the citizenry at large and may be removed by the council.

Subd. 2. TERMS, VACANCIES, OATH: The terms of the members of the Commission shall be 2 years, with 2 terms expiring January 1 each year. Appointees shall hold their offices until their successors are appointed and qualified. The terms of ex-officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the council for the unexpired portion of the term. Every appointed member shall, before entering upon the discharge of his/her duties, take an oath that he/she will faithfully discharge the duties of his/her office. All members shall serve without compensation.

207.03. ORGANIZATION, MEETINGS, ETC.: Subdivision 1. OFFICERS: The city council shall select a chair appointed for a term of one year and the commission may create and fill such other offices as it may determine. The Zoning Administrator shall act as secretary of the planning commission.

Subd. 2. MEETINGS, RECORDS, REPORTS: The commission shall hold meetings as often as it seems necessary. 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. The commission shall submit to the city council a verbal or written report of its work upon completion. Expenditures of the commission shall be within amounts appropriated for the purpose by the city council.

207.04. POWERS AND DUTIES OF THE COMMISSION: The planning commission shall have the powers and duties given planning commissions generally by law. The commission shall also exercise the duties conferred upon it by this ordinance and by the council. After the commission has prepared and adopted a comprehensive plan, and recommend it to the council in accordance with law. Similarly, after such review, it shall recommend to the council any amendments it seems desirable to the capital improvement program and any ordinance implementing the plan.

207.05. ZONING ORDINANCES; PUBLIC HEARINGS: No zoning ordinance or amendment shall be adopted by the planning commission without notice requirements as provided in Minnesota Statutes, Section 462.357, Subdivision 3 or without conforming to Section 100.05 of the code.

207.06. PLATS; APPROVAL: Any subdivision plat submitted to the council for approval shall, prior to final approval, be referred to the planning commission for review and recommendation. Any plat so referred shall be returned to the council by the commission with its recommendations within 30 days, and

failure of the commission to report within that period is deemed to have satisfied the requirements of this section.

PART VIII. EMERGENCY MANAGEMENT AGENCY

208.01. ACT ADOPTED: The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it related to cities, is adopted reference as part of this ordinance as fully as if set forth explicitly herein.

208.02. 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 for an indefinite term and may be removed by him 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.

Subd. 2. ORGANIZATION AND FUNCTION: The civil defense agency shall be organized into such divisions and bureaus, consistent with state and local defense plans, as the director seems necessary to provide for the efficient performance of local 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.

208.03. 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 defense plan and during a civil defense emergency, the civil defense forces shall render assistance in accordance with the provisions of such agreements.

Subd. 2. CIVIL DEFENSE PLAN: The director shall prepare a comprehensive general plan for the civil defense of the city and shall present such plan to the city council for its approval. When the council has approved the plan by resolution, all civil defense forces of the city shall perform the duties and functions assigned by the plan.

Subd. 3. REPORTS: The director shall prepare and present to the council periodically a report of activities and recommendations.

PART IX. PERSONNEL POLICY

209.01. PURPOSE: It is the purpose of this ordinance to establish a uniform and equitable system of municipal personnel administration for all employees of the city.

209.02. SCOPE OF ORDINANCE: Subdivision 1. PERSONNEL COVERED: Except as otherwise specifically provided, this ordinance applies to all employees of the city now existing or hereafter created except the following:

1. All elected officials;
2. The city attorney (s) and the health officer (s);
3. Members of city boards, commissions, and committees;
4. Emergency employees;

5. Other employees not regularly employed in permanent positions;

Subd. 2. DEFINITIONS. The following definitions shall apply:

A. "Regular Employment" shall mean employment on a full or part-time, year-around basis.

Successful completion of the probationary period may be required.

B. "Full-time Employment" shall mean employment regularly engaged in on a scheduled, full-time basis as determined by the needs and particular customs in each department.

C. "Part-time Employment" shall mean employment regularly engaged in on a scheduled, less than full-time basis.

D. "Temporary Employment" shall mean employment in any department or function of the City Council to be temporary, and is compensated for on an hourly basis. "Probationary Employment" shall mean employment during the probationary period.

F. "Benefits" shall mean privileges granted by the city to an employee.

G. "Supervisor/Administrative Personnel" shall mean any person having authority to assign and direct personnel in their work, the authority to give orders to personnel and expect them to be obeyed; the authority to recommend action to the City Council; the authority to regularly exercise discretion and independent judgment.

H. "Compensation" shall mean all pay and benefits authorized in exchange for work performed by an employee. All employees shall be paid semi-monthly based on either hourly or monthly pay scales. All employees will be assigned an hourly pay rate for said services.

I. "Personal Leave" shall mean any day of compensated leave a regular full time employee may take.

Subd. 3. FULL-TIME REGULAR EMPLOYEES: Those employees working an average of 30 or more hours per week in the city's general government department, administration, police, streets, parks, recreation, water, sewer, sanitation and other related and necessary jobs and functions, or those whose job description states they are full-time will be considered to be working full-time. This average will be based on prior employment history and their job description, or in the case of a new job classification, the criteria that is established for the job description.

Subd. 4. PROVISIONS SUPERSEDED IN CERTAIN CASES: Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act, Minnesota Statutes Sections 179.61 to 179.76 shall be exempt from any provision of this ordinance which is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota Statutes Chapters 44, 419, or 420 is exempt from any provisions of this ordinance which is inconsistent with such statute or rules and regulation adopted thereunder. Nothing in this part is intended to modify or supersede any provision of the Veteran's Preference Act, Minnesota Statutes Sections 197.45 to 197.481.

209.03. EMPLOYMENT: All employment with the city shall be made by the City Council on the basis of merit and fitness for the position. When required by law or by the council, merit and fitness shall be ascertained by written, oral, or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

209.04 CITY AUTHORITY: Subdivision 1. ROLE AND DUTIES OF PERSONNEL OFFICER:

1. MATTERS: The city administrator shall perform duties and be responsible for the enforcement of Personnel Sections 209.01 to 209.24. He/She is the Personnel Officer. Specific duties are:

2. Prepare and recommend to the City Council such changes in this ordinance as he/she may consider necessary or desirable.
3. Make recommendations on employment, promotions, reprimands, suspensions, demotions, and dismissals on the basis of fitness and merit. Fitness and merit may be determined by such oral, written or other standards as are seemed appropriate and justifiable by the city administrator, supervisory personnel, or the City Council.
4. Prepare and maintain a system for a payroll schedule based on the duties, qualifications, responsibilities, and authority of the positions in city employment.
5. Prepare and make recommendations to the City Council as to the rules and regulations governing the conduct of personnel and the performance of assigned duties in the various departments, and perform such other activities or practices with reference to personnel administration as may be necessary and desirable.
6. Carry out specific orders given him/her by the council.

Subd. 2. COUNCIL RIGHTS: The City Council retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budget; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules; to perform any inherent managerial function it seems necessary; and to exercise any and all powers granted to it be state statutes.

Any terms and conditions of employment not specifically established or modified by this ordinance shall remain solely within the discretion of the City Council to modify, establish, by resolution adopted by majority vote of the City Council.

Subd. 3. WAIVER: Any and all prior agreements, resolutions, practices, policies, rules, and regulations regarding terms and conditions or employment, to the extent inconsistent with the provisions of this ordinance are hereby superseded with the exception of future written employment contracts.

209.05. PROBATIONARY PERIOD: Subdivision 1. PURPOSE: The probationary period may be utilized for observing the employee's work; for securing the most effective adjustment of the employee to the position; and for rejecting any employee whose performance does not meet the required work standards.

Subd. 2. DURATION: All employment with the city is subject to a probationary period from three to six months as decided by the council.

Subd. 3. TERMINATION: The City Council may terminate a probationary employee at any time during the probationary period if in the City Council's opinion the employee is unable or unwilling to perform the duties of the position satisfactorily or that his habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless he is a veteran, in which case the procedure prescribed in Minnesota Statutes Section 197.46 shall be followed.

Subd. 4. COMPLETION: An employee who has completed the period of probationary service and who has not received, before completion of that period, a written notice to the employee's last known address from the City Administrator that his services are terminated, shall be considered to have successfully completed the probationary period and attained the status of a permanent employee.

209.06. COMPENSATION: Subdivision 1. AMOUNT: Employees of the city shall be compensated according to the schedule established by the City Council as determined from time to time by resolution adopted by majority vote of the council. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the council, no employee shall receive pay from the city in addition to the salary authorized for the position for which he has been employed.

Subd. 2. TEMPORARY AND PART-TIME EMPLOYEES: Temporary and part-time employees shall be paid at a rate determined from time to time by resolution adopted by majority vote of the council. Temporary employees are not entitled to sick leave, vacation leave, holidays with pay, or the accumulation thereof.

Subd. 3. OVERTIME: The Federal Fair Labor Standards Act is hereby adopted and made a part of this ordinance by reference. Employees to whom either the Federal Fair Labor Standards Act apply shall be compensated pursuant thereto. Compensatory (Comp.) time for all employees except supervisory/administration shall be computed at time and one-half (1 and 1/2) after forty (40) hours worked per week. Supervisory/administrative employees shall receive Comp. time at straight time (one hour for each extra worked over forty-eight (48)). The maximum accrual of Comp. time for all employees other than those to which state or federal Fair Labor Standards Act apply, shall be forty (40) hours and Comp. time will not be cashed out at the end of employment. To the extent permitted by law, Comp. time off from work shall be taken as approved by the city administrator.

Subd. 4. TIME CARDS: All employees shall be required to submit a time card for each period indicating hours worked and type of work performed. Time cards shall be due no later than the morning of the first and sixteenth of each month except when these days fall on a weekend or holiday, then time cards are to be due no later than the morning of the next working day following the weekend or holiday, but may be submitted earlier upon request by the treasurer. The Data Privacy Officer has the right to review the time card at any time during the pay period.

Subd. 5. PAY DAY: All employees shall be paid semi-monthly no later than three working days after their time cards are submitted.

209.07. WORK HOURS AND RULES: Subdivision 1. HOURS OF WORK: The normal, regular work week for non-salaried hourly employees shall be forty (40) hours a week. Where department needs require other hours, they shall be so determined by the department head.

Subd. 2. WORK WEEK: The work week shall be Saturday through Friday.

209.08. PERSONAL LEAVE WITH PAY: PURPOSE: Personal leave may be granted to employees when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, child birth or pregnancy, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties; death in the family or for reasons deemed acceptable by the personnel office and does not have to meet the 2 week criteria described below.

Subdivision 2. AMOUNT ALLOWED: Every regular full time employee shall accrue personal leave with pay according to the following schedule provided, however, that probationary employees may not take personal leave with pay during their probationary period. A day for calculation purposes is assumed to be 8 hours no matter what the regular work week schedule for normal departmental operation is set at.

One year, or less, of employment . . . 4.0 HRS/per pay period (12 days/yr.)

Commencing with the 2nd year through the 5th year of employment . . . 5.5 HRS/per pay period (16.5 days/yr.)

Commencing with the 6th year through the 15th year of employment . . . 7.0 HRS/per pay period (21 days)

Commencing with the 16th year of employment . . . 7.5 HRS/per pay period (22.5 days)

Requests for personal leave in excess of two days must be made to the City Administrator two (2) weeks in advance when practical. If conflicts arise, the leave will be granted according to seniority. However, it must be noted that the department requirements for functioning take precedence.

Subd. 3. WORKING WHILE ON PERSONAL LEAVE: If an employee is requested to, and does, work during his personal leave, he shall be paid for regular hours at regular rates, and for overtime at 1 1/2 regular rate by comp. time. In addition, the employee's personal leave shall be rescheduled to any future period the employees may request within the current fiscal year on a priority basis with mutual consent of the employee and personnel officer.

Subd. 4. ACCRUAL: An employee may accrue personal leave to a maximum of 200 hours as of June 30 and December 31 of each year. Any hours accrued in excess of 200 hours on June 30 and December 31 shall be forfeited. The City Council may permit accumulation beyond the limit where special circumstances make the limit impractical.

Subd. 5. TERMINAL LEAVE: Any employee leaving the city employment in good standing after giving proper notice of such termination of employment shall be compensated for personal leave accrued and unused to the date of separation based on employee's last regular pay rate.

Subd. 6. ACCRUAL DURING PERSONAL LEAVE: For the purpose of accumulating additional personal leave, an employee using earned personal leave is considered to be working.

Subd. 7. APPLICABILITY TO PERSONAL LEAVE BENEFITS: A probationary employee is not entitled to personal leave benefits during the probationary period, notwithstanding accrual of same. Personal leave benefits shall accrue during the probationary period, but a probationary employee forfeits any and all rights to the accrued personal leave benefits upon an unsuccessful completion of a probationary period.

209.09. OTHER LEAVES: Subdivision 1. MILITARY LEAVES: Every employee to whom Minnesota Statutes Section 192.26 or 192.261 applies is entitled to the benefits afforded by those sections subject to the conditions herein prescribed.

Subd. 2. JURY OR WITNESS DUTY: When an employee performs jury duty or is subpoenaed as a witness in court or voluntarily serves as a witness in a case in which the city is a party, the employee is entitled to compensation from the city to equal to the difference between his regular pay and the amount received as juror or witness.

209.10. LEAVE WITHOUT PAY: The council may grant any regular employee a leave of absence without pay for a period not exceeding 90 days except that it may extend such leaves to a maximum period of one year in cases where the employee is disabled or where extraordinary circumstances, in its judgment, warrant such extension. No personal leave benefits shall accrue during a leave of absence without pay, nor shall personal leave be granted to persons on unpaid leave.

209.11. PAID HOLIDAY LEAVE SHALL BE GRANTED TO ALL REGULAR FULL-TIME EMPLOYEES.

Subdivision 1. HOLIDAYS: The following ten (10) calendar days and such other days as the council may fix are paid holidays: New Years Day, Martin Luther King's Day (third Monday in January), President Day (third Monday in February), Memorial Day (last Monday in May), Independence Day, Labor Day (first Monday in September), Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day. All employees in regular positions are entitled to time off with full pay on holidays. The city hall shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions require. An employee required to work on a holiday shall receive another day off within 30 days thereafter as the city administrator determines unless consideration is given to this factor in determining work schedules. When New Year's, Martin Luther King's, Independence, Veteran's, or Christmas Days falls on Sunday, the following Monday is a paid holiday and if such day falls on a Saturday, the proceeding Friday is a holiday. Each holiday commencing at the beginning of the first

shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees will receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay on the last regular shift to which they would have been assigned prior to the holiday, and the first regular shift to which they would have been assigned following the holiday.

Subd. 2. VOTING DAYS: The City Hall will follow state statute in regards to operation on voting days.

209.12. RESIGNATION: Any employee wishing to leave the city employment in good standing except for mandatory retirement under Section 17 shall file with the city administrator at least 14 days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may be considered cause for denying the employee future employment and denying terminal leave benefits. Unauthorized absence from work for a period of three working days may be considered by the city council as a resignation without such benefits.

209.13 GRIEVANCE POLICY: It is the policy of the city insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. When any employee's grievance comes to the attention of a supervisory employee, the supervisor shall discuss all relevant circumstances with the employee, and attempt to resolve it to the extent that he has authority to do so. If the grievance is not dealt with satisfactorily at that level, the grievance may be brought to the attention of the city administrator, then the matter may be brought before the council.

209.14. LAY-OFFS: An employee may be laid off, with or without cause, at any time by the council. No regular or full-time employee shall be laid off while there is a temporary or part-time employee serving in the same class of position for which the regular or full-time employee is qualified, eligible, and available.

209.15. DISCIPLINE: Subdivision 1. IN GENERAL: City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities. It is the policy of the city to administer disciplinary penalties without discrimination. Every disciplinary action shall be for just cause and the employee may demand a hearing or use the grievance procedure of Section 14 with respect to any disciplinary action which he believes is either unjust or disproportionate to the offense committed.

Subd. 2. DISCIPLINARY ACTION STEPS: Except for severe infractions, disciplinary action against any employee shall be progressive and follow the steps listed below in numerical order:

A. ORAL/WRITTEN REPRIMAND

B. WRITTEN REPRIMAND: A written reprimand shall state that the employee is being warned for misconduct; describe the misconduct; describe past actions taken by the city administrator, supervisor, or city council to correct the problem; urge prompt correction or improvement by the employee; include timetables and goals for improvement when appropriate; and outline future penalties should the problem continue. The employee shall be given a copy of the reprimand and acknowledge receipt of the same by employee's signature. The signature of the employee does not mean that he agrees with the reprimand.

C. SUSPENSION WITHOUT PAY: Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason or reasons for the suspension. An employee may be suspended pending an investigation of the alleged violation of Subdivision 5. A copy of all written statements taken during said investigation shall be placed in the employee's personnel file. If, after investigation, the acts of the employee alleged to be in violation of Subdivision 5, or any part thereof, proves to be false, then, the employee shall be immediately reinstated, any written statement shall be removed from the employee's file, and the employee shall receive any

compensation to which he would have been entitled had the suspension not taken place. If, after investigation, it appears more likely than not, that the employee did commit the act or acts in violation of Subdivision 5 or any part thereof, the, the council shall at its discretion: (1) reinstate the employee. Employee shall forfeit all right to back pay during the time of suspension. Then, upon the employee's return to work, he shall be given a written statement outlining further disciplinary actions should the misconduct continue. (2) Dismiss the employee pursuant to Section D below.

D. DISMISSAL: The council may dismiss any employee after the employee is given a notice in writing at least five working days before the effective date of the dismissal. The notice shall contain the reasons for the dismissal; the employee's rights under these rules and the veterans' preference law if he is a veteran; and a statement indicating that the employee may respond to the charges both orally and in writing and that he may appear personally before the official having authority to make or recommend the final decision.

Subd. 3. GROUNDS FOR IMMEDIATE DISMISSAL:

A. The following shall constitute grounds for immediate dismissal of an employee without notice:

1. Repeated tardiness after warning.
2. Three or more unauthorized absences after warning, or abuse of leave privileges.
3. Inducing or attempting to induce an official or employee of the City to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
4. Theft or malicious destruction of public property.
5. Proven dishonesty in the performance of an employee's duties.
6. No employee shall expect or accept compensation from any source outside of the city for any services rendered as a part of his/her official duties unless compelled by civil process or an order of the court to render such services. No employee shall accept any compensation or gift for the purpose of influencing the action of such employee in any official matter.

B. Grounds enumerated in Subd. 3A are not exclusive. The City Council may immediately dismiss an employee with or without cause, and without notice whenever it is deemed to be in the best interests of the City.

Subd. 4. OTHER DISCIPLINARY ACTIONS: The following other disciplinary actions may be taken against any employee after steps 1 and 2 above have been followed:

- A. Incompetence, inefficiency, or negligence in the performance of duty.
- B. Insubordination, including but not limited to, refusal to obey an order that a superior is entitled to give and expect to have obeyed.
- C. Public statements which are slanderous, libelous, or which tend to discredit a city official of the city service.
- D. Under the influence of intoxicating beverages while on duty; drinking intoxicating beverages while on duty; or reporting to work while under the influence of intoxicating beverages. (The use of intoxicating beverages may be authorized by the city administrator or city council under some work related circumstances.)
- E. Under the influence of those drugs prohibited by municipal, state, or federal law while on duty without authorization by a licensed physician and without written permission from the city administrator; or reporting to work while under the influence of prohibited drugs without authorization of a licensed physician and without written permission from the city administrator.
- F. Excessive use of offensive conduct or language toward the public or city officials or employee.
- G. Conviction of a criminal offense or misdemeanor involving moral turpitude.

- H. Physical or mental defect which in the judgment of the city administrator incapacitates the employee for the proper performance in the duties of his/her position.
- I. Carelessness or negligence in the handling or control of city property.
- J. No City employee shall engage in acts of harassment, intimidation, or "practical jokes" which might reasonably be expected to cause mental or physical injury or discomfort to another person or endanger public or private property.
- K. Violation of the provisions of law or of the City Personnel Ordinance.
- L. Violation of these Personnel Rules and Regulations or written departmental regulations.

209.16. RETIREMENT POLICY: Subdivision 1. GENERAL RULE: Every employee of the city shall automatically be retired upon reaching the age of 70 years, except as provided in Subdivision 2. Any employee opting for early retirement must do so in accordance with prevailing state and federal statutes.

Subd. 2. RETENTION AFTER AGE 70: If the city council finds that the interests of the city will best be served by allowing a person to remain in the employment of the city after reaching 70 years of age because his/her services are especially needed or his/her replacement would be especially difficult, the employee shall be retained. Any such employee may be retained for successive one-year periods until reaching the age of 75 upon the annual recommendation of the city administrator and approval of the council.

209.17. UNLAWFUL ACTS: Subdivision 1. FALSIFICATION OF RECORDS: No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the city personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this ordinance.

Subd. 2. RENDERING OF CONSIDERATION: No person seeking employment or promotion with the city shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, or on account of or in connection with his test, employment, or promotion, or proposed employment or promotion.

Subd. 3. DISCRIMINATION: No person shall be employed, promoted, demoted, or discharged by the city or be in any way favored or discriminated against, because of political opinion or affiliations, race, color, national origin, religion, sex, marital status, status with regard to public assistance of disability, or because of the exercise of rights under provisions of the Public Employment Labor Relations Act, Minnesota Statutes Sections 179.61 to 179.76. No person who is between 18 and 70 years of age shall be discriminated against with reference to city employment in any way forbidden by federal or state law.

209.18. PENALTY: Any person violating any provision of Section 18 of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

209.19. USE OF CITY EQUIPMENT AND FACILITIES: City equipment and facilities to be used only for official business unless authorized by the city administrator or city council or as a condition of the employee's employment.

209.20. OUTSIDE EMPLOYMENT: The City of Henderson does not encourage the practice of regular employees working at employment outside of the city services. Outside employment must not be incompatible with the employee's work in the municipal services. In the event that outside employment interferes with the employee's efficient and faithful performance of his duties as an employee of the city, he

shall be advised to choose between employment with the city and outside employment. Failure to so choose will be automatic grounds for dismissal.

209.21. PERSONNEL FILE: A file shall be kept on all employees, which shall contain material pertinent to their employment. All material shall be confidential and shall be available for inspection by each individual employee upon request. All material included in the file shall meet requirements as stated in the prevailing state and federal statutes.

209.22. POLITICAL ACTIVITIES OFFICERS AND EMPLOYEES: All political activities and related actions shall be governed by prevailing state and federal statutes.

209.23. MISCELLANEOUS: Other personnel policy related issues including, but not limited to, job description, wage and salary rates and schedules, purchasing policies, expense allowances and reimbursements (postage, mileage, etc.), group health and medical insurance, employment review, affirmation action, rest and lunch periods, and other items the city council declares necessary to be included in personnel documents either follow or shall be attached to the ordinance through resolution.

209.24. PURCHASING POLICY: No employee shall order, purchase, or contract for any good or service contrary to the city's purchasing policy, personnel ordinance, or other authorized document. Written authorization for all purchases must be obtained in advance from the personnel officer or city clerk through purchase orders. All purchases will be subject to review and the city council retains the right to disallow any claims made against the city.

209.25. EXPENSE REIMBURSEMENT: Employees shall be reimbursed for all reasonable work related expenses (mileage, postage, materials, cost of workshops, training sessions, conferences, schools, books, and publications, etc.....). Expense claims shall be filled out with receipts attached when possible and submitted by the first Thursday of each month. Questionable claims may be disallowed. Mileage reimbursement for use of personal car for city business is current IRS rate per mile.

209.26. GROUP HEALTH INSURANCE: See Resolution 2002-34.

209.27. EMPLOYMENT REVIEWS: Employment reviews will be held no later than two weeks before the end of each new employees probationary period. The personnel officer and/or personnel committee will perform this review with both the employee and his/her supervisor present. The results will be then forwarded to the city council. The city council may elect to personally review the employee.

All employees will be reviewed semi annually in October and April by the personnel officer and/or personnel committee. The results will be then forwarded to the city council. The city council may elect to personally review the employee. Criteria for the job evaluations and/or employee reviews will be compiled by the city administrator. The city council will examine, review, adjust, and approve this criteria as it sees fit.

209.28. AFFIRMATIVE ACTION: An affirmative action plan will be developed if/when the city council feels it is necessary or if/when it is mandated by state or federal statutes.

209.29 JOB DESCRIPTIONS:

Subd. 1. CHIEF OF POLICE: Responsible for supervising, planning, organizing, directing, and evaluating operation of the police department. Schedules duty shifts of police officer, develops annual budget proposal and controls budgeted expenses, supervises maintenance of all records and materials associated with law enforcement activities or administration, makes recommendations to city administrator and city council on issuance of various licenses, permits, and items concerning police department matters, attends meetings and serves on committees, boards, and agencies related to promoting crime prevention and improving law enforcement. Also, participates in patrolling and other police functions for the protection of life and property in the city of Henderson. Is responsible for the enforcement of all federal, state, and local statutes and ordinances where applicable. Is hired on a full-time basis working between 40 and 48 hours per week. Is a salaried position considered to be supervisory/administrative.

Subd. 2. POLICE OFFICERS: Officer is responsible for the public safety and law enforcement in the City of Henderson. Patrols as assigned, checks buildings for break-ins, enforces traffic ordinances, investigates reported law violations, answers complaints, interviews witnesses and preserves crime scenes and accident scenes and evidence for the investigating officers; makes arrests, conducts searches and surveillance; serves warrants, caiaases, subpoenas, and other court orders; books prisoners, escorts prisoners; give testimony in court; directs traffic, investigates traffic accidents, aids injured persons; investigates crimes, prepares criminal investigation reports; provides crime prevention and juvenile delinquency assistance and information to school children, merchants and the general public; writes accurate and complete reports concerning law enforcement and traffic accident reports, secures property related to crime and prisoners; operates police vehicles, weapons, radios, and related equipment; assists the general public, provides information and directions.

Officers will be hired either on a part-time or full-time basis by the city council.

Subd. 3. STREET/MAINTENANCE/PUBLIC WORKS SUPERINTENDENT: Responsible for supervising and directing general maintenance/public works activities including the maintenance, repair, and cleaning of buildings, streets, parks, and other public works related activities. Other duties include operating equipment such as trucks, tractors, plow, grader, sweeper, mower, and other equipment needed to complete job assignments. Determines work priorities and resolves work problems. Supervises city garage, plans and directs snow and ice removal, prepares and justifies budget requests and controls budget expenditures. Also, is the Assistant City Weed Inspector, and Parks/Forestry Superintendent. Is full-time salary position working between 40-48 hours per week.

Subd. 4. PARKS/FORESTRY SUPERINTENDENT: Prepares a proposed budget for the park and forestry department; directs the maintenance of existing parks and grounds, including mowing and cleanup of parks, weed control enforcement, structure and facilities maintenance, and garbage pickup; supervises the maintenance and development of recreational facilities such as softball and baseball fields, tennis courts and skating rinks; supervises the development and maintenance of flower gardens; supervises the control of Dutch Elm Disease and the enforcement of the Tree Ordinance, involving inspection and analysis of tree diseases, tree removal and disposal, and tree trimming, pruning, and planting; evaluates and updates plans for parks, recreation area, open spaces, and natural resources presentations for the city; assists engineering personnel with landscaping details on road construction projects, including specifications for plant materials and landscape construction details; interprets and promotes City park plans and programs. Assigns work to, supervises, and trains park maintenance men, tree trimmers, and equipment operators; supervises and participates in grounds maintenance tasks such as mowing grass, trimming, edging, and fertilizing lawns; supervises the seeding and reseeded of parks and parkways; supervises the setting of shrubbery and trees, spreading fertilizer, mulching trees and shrubbery, and in weeding and cleaning lots and grounds; supervises

rough carpentry, cement work and fence building; may operate trucks, tractors, mowing, or other grounds equipment; supervises the cleaning of walks, fields, courts and facilities; supervises the installation and maintenance of athletic field equipment; inspects work of crew during and upon completion of work; enforces safety precautions at job sites; keeps records of equipment and material used, assist in Dutch Elm disease and weed control programs.

Subd. 5. MAINTENANCE/PUBLIC WORKS WORKER: Duties include maintenance of building streets, water systems, sewer systems, parks, and other public works related activities. Other duties include operating equipment such as tractors, trucks, plow, grader, sweeper, mower, and other equipment needed to complete job assignments. May be required to assist in reading water meters. Is responsible to Streets/Maintenance/Public Works Supervisor and Water/Wastewater Plant Superintendent/Operator. Will typically be a part-time or temporary position hired when needed, or when other governmental funds are available to fund position. Paid on an hourly basis.

Subd. 6. WATER/WASTEWATER PLANT SUPERINTENDENT/OPERATOR: Operates and monitors sewage treatment plant controls and equipment, and plant water system; checks sludge level intakes; monitors plant controls; takes daily readings of control panels and meters; changes pumps and does regular pump repair and maintenance; does building maintenance and cleaning; operates and monitors water treatment plant equipment and reducing stations; adjusts controls on treatment plant equipment and machinery, such as valves, pumps, motors, chlorinators, filters, chemical feeders, etc.; regulates pressures and flow rates; reads and records information taken from gauges, dials and other instruments; takes chemical test samples, checking water at different stages of treatment for chlorine residuals, hydrogen ion concentration (pH) and color; washes filters and makes maintenance adjustments to filters as required; dumps bag chemicals and inventories build chemicals; maintains daily treatment plant log; does minor maintenance and repair work on plant and equipment. Performs the work of repairing water mains, hydrants and valves, when appropriate, and either installs or supervises installation of water mains, and installs or supervises installment of sewer lines and services; checks, cleans, and maintains sewer lines and lift stations; checks excavation and back-filling of ditches for water and sewer related construction; assists in instruction and training men in the methods of work and use of equipment; may do manual work in construction, maintenance and cleaning of sewer and water lines. Repairs and cleans mains and valve boxes when needed. Flushes and cleans mains and hydrants; repairs main breaks; installs or supervises installation of laying new sewer lines and services; cleans and replaces manhole covers and casting; assists in sewer television inspection; checks and maintains lift stations including painting, cleaning and lubricating motors and equipment. Removes and resets, changes or repairs meters in place in the field; repairs valves, meter vaults; tests meters for flow rates; disassembles meters, cleans, repairs or replaces defective parts and reassembles meters; tests and calibrates meters for accuracy after rebuilding them; reads meters and may turn on or out off service; maintains records of part used and of specific meter numbers. Prepares and justifies budget requests and controls budget expenditures. State water and sewer license required. Position full or part-time as determined by the city council and paid on hourly basis.

Subd. 7. BUILDING INSPECTOR: Skilled in the inspection work and the enforcement of regulations governing structural building construction. Makes inspections during the progress of building construction, alteration or repair to insure compliance with building codes and zoning regulations; reviews plans and specifications; checks quality of materials and methods of construction; performs inspections of existing buildings for hazardous conditions, structural failures, or improper use; approves final inspections; certificates; issues demolition, building, sidewalk, sign, and curb cut permits; testifies on total dollar amount of inspections per year. State certification required. Part-time position working when needed.

Subd. 8. TYPIST/FILE CLERK: Performs wide variety of responsible secretarial and clerical tasks such as typing, mailing, and filing; processes administrative details not requiring immediate attention of supervisors, collects and compiles information; prepares correspondence independently in assigned areas, answers questions of public in person, by phone, or in writing as accurately and courteously as possible, exercises discretion in arranging appointments and handling public contacts and plans and organizes a variety of clerical activities. Position temporary or part-time when needed.

Subd. 9. CITY CLERK/TREASURER: Defined

Subd. 10. CITY ADMINISTRATOR: Defined

209.30. REST AND LUNCH PERIODS: Every regular employee, when working under conditions where a break period is practical, shall be granted a 20-minute break period in each half of the employee's shift. Each department head shall schedule rest periods so as not to interfere with work requirements.

Each employee shall be entitled to a lunch period during the middle of each work day. An employee may take 30 minutes to one (1) hour depending upon the needs of the department

PART X. POLICE PERSONNEL POLICY

210.01. PURPOSE: It is the purpose of the Police Personnel Policy to establish a uniform and equitable system of police personnel administration for all Police employees of the City.

210.02. SCOPE: The personnel policy applies to all full time and part-time police employees of the city. The provisions of the Henderson Personnel Policy found in section 209.01 et seq. applies to all police personnel. In the event the provisions herein are contrary to the Henderson Personnel Policy the provisions herein shall control.

210.03. PROCEDURE FOR INVESTIGATION AND RESOLUTION OF ALLEGATIONS OF MISCONDUCT:

Subd. 1. POLICY:

A. A relationship of trust and confidence between Department members and the community they serve is essential for effective law enforcement. Law Enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a lawful and impartial manner without fear and reprisal. While at the same time they must meticulously respect individual rights.

B. This complaint procedure is intended to provide corrective action when a department member conducts himself/herself improperly, and to protect him/her from unwarranted criticism when he/she discharges his/her duties properly.

C. Any person who believes that a law enforcement act is improper is encouraged to bring the complaint to the departments attention.

D. The department will make every effort to insure that no adverse consequences occur to any person or witness who brought a complaint or provided information in any investigation of a complaint.

E. Complaints shall be handled in a prompt, just, open and expeditious manner in accordance with these procedures. Summaries of the complaint process and copies of these procedures shall be made available to the public upon request.

Subd. 2. DEFINITION OF TERMS: For the purpose of this policies and procedures manual, the terms defined as the meaning given them.

A. Chief means the chief of Police or the city attorney when a complaint is made against the police chief.

B. Complainant means the person or group who files a complaint with the department alleging misconduct by a member(s) or the department supervisor who accepts believable facts relating to alleged misconduct by a member from a anonymous person.

C. Complaint means a statement that is made to a department supervisor in writing, in person, or by phone which allege misconduct.

D. Exonerated means a fair preponderance of the evidence established either that:

1. The act, or acts, complained of did not occur;

2. The member(s) named in the complaint were not involved in the alleged

misconduct;

3. That the act(s) which provided the basis for the complaint occurred, however, the investigation reveals that such act(s) were justified, lawful and proper; or

4. That such act(s) do not adversely reflect upon the department or the member's ability to perform his/her duties within the department.

E. Infraction means violation of any department policy and procedure defining transgressions that are not major violations.

F. Major Violation means:

1. Any criminal offense;

2. The use of unnecessary or excessive force;

3. Abuse of authority;

4. Conduct which violates a person's civil rights;

5. Abusive or insulting language or conduct that is derogatory of a person's race, religion, sex, national origin or sexual preference;

6. Intimidation of or recrimination toward a complaint or witness involved in any complaint proceeding.

G. Member means all peace officers and civilian department employees whether full-time, part-time, or temporary.

H. Misconduct means any infraction or major violation committed by a member that adversely reflects upon the department or the member's ability to perform his/her duties within the department.

I. Not Sustained means the investigation failed to disclose sufficient evidence to prove or disprove the allegations(s) made in the complaint.

J. Policy and Procedures means the administrative acts promulgated by the chief regulating conduct of members.

K. Sustained means a fair preponderance of the evidence obtained in the investigation established that the accused member's actions constituted misconduct.

Subd. 3. PROCEDURE FOR INITIATING COMPLAINT:

A. Anyone who is not a member and has personal knowledge of the facts giving rise to the complaint or has reliable hearsay information may file a complaint. Any department member who has personal knowledge of misconduct shall file a complaint according to these procedures.

B. There shall be a Supervisor available at all times who is responsible for taking complaints. For all purposes herein, supervisor means Chief of Police or the City Attorney when a complaint is made against the police chief. Upon receiving any

complaint, the supervisor shall immediately initiate an informal investigation and assign a case file number. The complaint will not be considered filed until the complainant signs the complaint.

C. If the person filing the complaint sets forth specific believable facts relating to the alleged misconduct and the person wishes to remain anonymous; the supervisor receiving the information shall then become the complainant. If the supervisor has reason to believe that the complaint is unfounded, the supervisor shall have the authority to require the person to identify himself/herself. If the person refuses to do so, the supervisor may refuse to initiate a complaint and shall advise the anonymous person of that fact.

D. After a complaint is filed, the supervisor shall sign the document, give or mail a copy to the complainant. The chief will forward a copy of the document to the accused member. If the decision is exonerated or not sustained the Chief shall immediately notify the complainant and the respondent of the decision.

E. A complainant may be accompanied by an attorney or other appropriate representative at the time a complaint is filed or at any other stage of the process.

Subd. 4. PROCEDURE FOR INVESTIGATION OF THE COMPLAINT:

A. Upon completion of the informal investigation the chief shall make an initial determination whether the facts alleged warrant a formal investigation. In making this determination, the chief may meet informally with the complainant, accused member or any potential witness. If the chief decides that an investigation is not warranted, the disposition of the complaint shall be either not sustained or exonerated. The complainant will be notified of this decision and the basis for determination. In addition, the accused member will be notified. If the complainant supplies additional information within 30 days of the determination, the chief may reverse this decision.

B. If the chief determines that a formal investigation should be conducted, he/she shall begin to investigate the complaint immediately. The investigation may be assigned to an external agency where there is the potential for criminal charges resulting from the investigation or in any other situation where the chief believes that an external investigation is appropriate.

C. The chief/investigator shall, as soon as possible after being assigned the investigation. Inform the complainant of his/her name, business phone number and the status of the complaint.

D. The chief/investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation uncovers potential misconduct by another member, the investigator shall initiate a complaint against that member.

E. All members, including the accused member, shall cooperate with the investigation. Failure to cooperate may be basis for disciplinary action.

F. The chief/investigator shall do a report that shall contain all relevant information, organized into the three following sections:

1. Allegations - This section consists of an itemized summary of the acts of misconduct alleged in the complaint. References shall be made to those rules. Procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.

2. Investigation - This section shall consist of a chronological summary of the investigation, including all pertinent facts obtained through interviews with the

complainant, accused member(s), and all available witnesses. Written statements, description and analysis of any physical evidence, and all other relevant information shall be included.

3. Conclusion(s) - This section shall include the chief/investigators findings, conclusions as to whether any misconduct occurred, and the underlying reasons for the findings and conclusions. These conclusions shall not be binding on the chief.

G. The investigation shall be concluded within thirty (30) days of the filing of the complaint, unless for good cause an extension is granted by the chief. The complainant shall be informed of any extension of time and the accused member shall also be informed if he/she was informed pursuant to section 3 d.

Subd. 5. INVESTIGATION REVIEW AND DISPOSITION:

A. Upon completion of the investigation, the chief/investigator shall submit his/her reports the case file and all investigative notes to the chief. If the chief determines the investigation was not adequate, he/she will reorder the investigation. If the chief determines the investigation was adequate, the chief shall make one of the following dispositions: Exonerated, Not Sustained, or Sustained.

B. The chief may withhold issuing a disposition until any related criminal charges are resolved. The complainant shall be informed of this decision and the accused shall also be informed if he/she was informed pursuant to section 3 d.

C. If the complaint is either exonerated or not sustained, the chief shall immediately notify the complainant and the accused member of the disposition.

D. If the complaint is sustained, the chief shall immediately bring the complaint to the attention of the Henderson city Council. The Council shall thereupon take appropriate action in accordance with the City of Henderson Personnel Policy sections 209.01 et seq.

E. This policy procedure shall not preclude other disciplinary procedures for misconduct not initiated by citizen complaint.

F. Complainants shall be advised of the status of their complaints by mail in accordance with Exhibits A, b, And C, attached hereto.

Subd. 6. MAINTENANCE AND DISCLOSURE OF DATA:

A. Disclosure to the complainant, accused member of the public of data collected, created, received or maintained in connection with this policy and procedure shall be governed by the Minnesota Government Data Practices Act.

B. All data collected, created, or received by the department concerning this policy and procedure shall be maintained in accordance with the department's retention schedule.

C. The placement of the disposition report or other data in an employee's personnel file shall be governed by applicable collective bargaining agreements and/or personnel policy.

210.04. USE OF HENDERSON POLICE DEPARTMENT SQUAD CAR:

A. Squad car will be operated in a careful and prudent manner. No special privileges will be assumed other than accorded by law.

B. Squad car will not be used to start, push, or tow disabled vehicles. Officer will assist in the best way possible.

C. Squad car will not be used out of city limits, unless on official call through Sibley or Le Sueur County Dispatch.

D. When a private citizen reports to Henderson police department, of an incident that has occurred outside city limits, officer will notify by radio or telephone the originating agency where incident has

occurred in. Officer will first obtain clearance from said agency to respond, before any action is taken.

E. Squad car will not be used as an ambulance to transport a party to and from the hospital. Officer will call an ambulance for the party or find some other means to transport party to hospital.

F. Squad car will not be used to transport parties to other towns or to residence in the country, unless party has tried all other methods to get home. Officer may give a resident living in the city limits a ride home.

G. No unauthorized personnel shall be a passenger in the squad car, without prior approval from the Chief of Police, except in performance of police duties.

H. A full-time or part-time officer, who is also a volunteer fireman and is on duty or call during fire or rescue call, shall respond with the Henderson Fire Department inside the city limits.

I. Officer will only respond outside the city limits when it is a HENDERSON fire or rescue call and not a mutual aid call.

J. Officer may respond with the fire department outside the city limits to the scene, but shall not remain on the scene unless there are five (5) or less firemen on the scene.

K. Officer shall advise dispatch of the location of the fire and advise if a deputy is needed on the scene for traffic control. Officer will also advise if an ambulance is needed on the scene.

**REMEMBER YOUR FIRST RESPONSIBILITY AS AN OFFICER IS TO PROTECT LIFE AND
PROPERTY TO THE CITY OF HENDERSON.**

210.05. DISCIPLINARY ACTION TAKEN IN THE MISUSE OF SQUAD CAR:

A. If the officer uses the squad for starting, pushing, or towing disabled vehicles, the officer will be responsible for all damages to the squad car while violating departmental policy.

B. If the officers responds to a call outside the city limits, without first obtaining proper clearance, incident will be investigated by the chief of Police on the seriousness of the call and if officer received proper clearance from dispatch.

C. If during the investigation it shows the officer did not first receive proper clearance and was not needed at the incident may be grounds for suspension or dismissal, pending on whether there was any damage to life or property in which the officer may be held liable.

D. If the officer uses the squad for an ambulance, said officer named in the complaint may be suspended from duty, pending no injuries occurred during the transporting time.

E. If the officer uses the squad for transporting parties to other towns or to a residence in the country, said officer named in the complaint may be held or answer to disciplinary actions.

F. If the officer allows unauthorized personnel in the squad, disciplinary action may be taken, and officer may be suspended, without pay.

G. If officer responds with the fire department, and does not return to the city limits as required by departmental policy, officer may be held for disciplinary actions. An investigation into the matter will prove if the officer's assistance was needed on the call, before any action is taken.

210.06. FIREARMS POLICY:

A. The policy of this department is that members shall exhaust every other reasonable means of apprehension before resorting to the use of the firearm. Everyone agrees that the decision to shoot someone is probable the largest decision a police officer ever has to make. This decision usually has to be made without time to think things over. Once a trigger is pulled there is no stopping the action. So, it is of great importance to have a clear-cut statement of policy to guide the officer in making that decision.

B. Deadly force will be restricted to the apprehension of violators who, in the course of their crime threatened the use of deadly force, or if the officer believes there is a substantial risk that the person whose arrest is sought will cause death or serious injury if his apprehension is delayed.

C. Notwithstanding the provisions of Chapter 609.06 or 609.05, the use of deadly force by a peace officer in the line of duty is justified only when necessary:

1. To protect himself or another from apparent death or great bodily harm;
2. To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened the use of deadly force; or
3. To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony, if the officer reasonable believes that the person will cause death or great bodily harm if his apprehension is delayed.

D. Officers shall never use warning shots for any purpose. Warning shots endanger the lives of bystanders, and in addition, may cause suspect to return fire. Furthermore, an officer should never fire from a moving vehicle.

E. Officers are allowed to use any necessary force, including deadly force, to protect themselves or other persons from death or serious bodily injury. In order to enforce firearm policies, it is mandatory that a detailed report be written on all discharges of firearms.

1. An officer is justified in shooting at a person only under the following circumstances:
 - a. If he has sufficient reason to believe that he or someone else is about to be seriously injured or killed by the person at whom he shoots.
 - b. If he has sufficient reason to believe the person he is attempting to shoot poses an immediate threat to the safety of other, such as an armed person desperately attempting to elude capture.

AN OFFICER SHALL NEVER SHOOT A FLEEING SUBJECT IN THE BACK.

- c. If he has sufficient reason to believe that the felon whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed.
 - d. To kill a dangerous animal or one that humanity requires its removal from further suffering and other dispositions is impractical.
 - e. To give alarm or to call assistance for an important purpose when no other means can be used.
2. Firing at an automobile in which a person is attempting to escape is forbidden if the possibility of injury to innocent bystanders exists.
 3. In every instance, except for firearms practice, involving discharge of a weapon by a police officer, even though no one was struck, an official written report for the department's records must be made by the officer.
 4. An officer should use great caution, even to the extent of letting a person escape when the discharging of a firearm might cause injury to any person.
 5. An officer would be subject to discipline including suspension without pay if his shooting involves:
 - a. Violation of law by him.
 - b. Violation of department regulations or policies.
 - c. Poor judgment involving wanton disregard of public safety.
 - d. Misconduct (including drinking while carrying a gun, unjustified display of authority, disregard of duty).
 - e. Accidental discharge of gun through carelessness or horseplay.

6. Procedure to be followed when firearm is discharge--except at an approved range:
 - a. Whenever a member discharged his firearm either accidentally or in performance of police duty; he shall verbally notify the chief and if chief is not available the Sibley county Sheriff's Department as time and circumstances permit, but in no event later than the conclusion of his current tour of duty.
 - b. The member who discharged his firearm shall file a written report of the incident with the Chief of Police.
 - c. If the member who discharged his firearm is hospitalized or fatally injured and incapable of filing the report, the chief o Police is responsible for filing as complete a report as possible.

210.07. APPEARANCE AND UNIFORMS:

- A. All officers shall be clean- with hair neatly trimmed. A mustache will be permitted if kept neatly trimmed. Sideburns will be permitted if neatly trimmed and no longer than the base of the ear.
- B. Uniforms shall be kept clean, pressed and unobtrusively repaired. Uniform clothing shall be buttoned (shirt and jacket pockets). The proper insignia shall be worn such as shoulder pates, badges, name plates and collar emblems. All shirts and jackets will display on the left shoulder "The Henderson Police Department" emblem, flag to be put on right shoulder, and any First Aid patches to be put on right shirt pocket or right chest of the jacket. The patches will be put so that there is a finger width between patch and seam or above the pocket of shirt or jacket. Twin-town blue colored shirts (short sleeve summer; long sleeve winter). Tie will be worn with winter uniform. Cap -navy blue - not mandatory to wear. Turning up of sleeves of either summer or winter uniform shirts is not permitted. Accessories to the uniform such as sweaters, or scarves will be navy blue. Trousers - navy blue. Shoes shall be shines at all times.
- C. Only proper issued equipment will be worn. Revolvers will be kept clean and in good working condition. Revolvers shall be of .38 or .357 caliber. Other times may be used with the written approval of the Chief of Police

210.08. HOURS OF WORK/DUTIES:

A. HOURS OF WORK:

1. Minimum eight hour shift.
2. Officer shall remain on duty until 3:00a.m.
3. Part-time officers' shifts will be either from 7:00 p.m. to 3:00 a.m. or 8:00 p.m. to 4:00 a.m.
4. Extra patrol shall be up to the officer on duty if he sees there is a need.
5. Work schedule for one full-time officer:
 - a. Six days on duty and call time, consisting of 144 hours. One day off.
 - b. Four days on duty and call time, consisting of 96 hours. Three days off.
 - c. Schedule will try to be maintained or whenever part-time is able to work.
6. Lunch breaks will follow the City of Henderson Personnel Policy.

210.09. GENERAL DUTIES/POLICIES:

- A. Officer will check oil level and water level of engine daily, and add either if needed.
- B. Officer is to notify dispatcher when on duty. Also whenever stopping a violator, assisting a motorist, helping a person in need, that there are visitors in the squad, or for any fights or domestic calls. Where applicable, give the license number of vehicle and your location. Advise dispatcher when clear of these situations.

- C. There will not be any riders in the squad car without prior approval from the chief of Police, except in performance of police duties.
- D. Officers when in the squad car will monitor all channels on the radio.
- E. The Police Department will be responsible for closing the Post Office at 8:00 p.m. Check all doors and windows and secure. Check that all the lights are turned off.
- F. The business establishment doors will be checked during the duty hours. They will be checked when convenient for the officer. If any door is found open, Officer will call the dispatcher before entering the building. Remain at the building until the owner arrives to lock the door or you are told to lock it. Notify dispatcher when building is secured.
- G. Officers will answer all calls, as soon as possible, that come from the dispatcher, other departments, or private citizens. In an emergency, during call time, plain clothes are suitable.
- H. Officers log sheets will be up to date and left in the squad car.
- I. Officer will make periodic checks on the Liquor Store during his duty time. Officer will enter the liquor store 20 minutes after last call to determine if his assistance is needed.
- J. The officer who writes any citation or obtains a complaint and the violator pleads not guilty, will advise the City Attorney as soon as possible. All court cases will be posted on log.
- K. All long form complaints will be obtained by the officer who investigates the crime.
- L. Officer will check the lift station on Oak Street periodically during shift. Officer will check to see if water tower light is on and also check to see if red light on the pump house is on. If red light on pump house is on, officer should contact the person in charge.
- M. Officers may assume other part-time employment if it does not adversely effect or otherwise interfere with the performance and reputation of the Henderson Police Department.
- N. These and any other policies of the City Council or City clerk, Administrator will be followed as well as any given orally or written by the Chief of Police.
- O. All police department purchases, other than emergency items, must be cleared and approved by the City Clerk or Administrator, or City Council.
- P. All officers are expected to carry out enforcement of all City Ordinances as well as all State Statutes.

210.10. WHEN ASSISTING OTHER DEPARTMENTS:

- A. Generally, assistance would be requested for the following situations:
 - 1. Disaster (major fire, tornado, plane crash, etc.)
 - 2. To control or suppress a disturbance or other local emergency.
 - 3. To prevent injury or death to an officer.
 - 4. A situation which presents great danger to human life.
- B. Rules to be followed when assistance is needed from the other department.
 - 1. Contact person in charge of the other department.
 - 2. State problem, manpower, and equipment needed.
 - 3. Mutually agree to the number of personnel and equipment needed.
 - 4. Department requesting assistance will be in charge of the over-all operation.

210.11. HOT PURSUIT: Hot pursuit is the active attempt by a law enforcement officer to apprehend the occupant of the moving motor vehicle providing the driver of such vehicle is aware of the attempt and is resisting the law officer's attempt to stop him.

- A. Police - It is the policy of the Henderson Police Department that hot pursuit is justified when the officer knows or has reasonable grounds to believe the violator has committed or attempted to commit a felony, or if the violator is driving in a manner which presents a serious public hazard.

In applying the above, the individual officer must exercise sound judgment, with careful consideration of the following factors:

1. Conditions that are then existing; for example, road conditions, density and flow of vehicular and pedestrian traffic, freeway vs. commercial or residential area, and time of day.
2. That his prime concern must be the safety of citizens whose protection is his responsibility and it is his duty to avoid contributing to the danger already created by the violating motorist.

B. Conduct of Chase

1. First squad-the squad in actual pursuit, while in pursuit, will use red lights and siren. The first squad is responsible for the decision as to whether to initiate the chase, whether more than two units should join the chase, what tactics will be employed (roadblocks, etc.) and deciding when a chase should be abandoned.
 - a. The officer in the first squad will notify the Communication Center that they are in pursuit, the direction of pursuit, the reasons for the pursuit (traffic, felony, etc.), and whatever information they have in regard to description of vehicle being pursued.
 - b. The dispatcher will immediately clear the air by saying, "All squads stand by, squad is in pursuit of -description , direction, reason". All other squads will stay off the air until the conclusion of the chase; only transmissions necessary to the chase will permitted.
 - c. The pursuing squad will repeatedly give their direction to the dispatcher, who will then repeat it. Pursuit direction should be given as often as possible even if moving in the same direction.
 - d. Officers should keep in mind to transmit in a steady voice and not to yell into the mike. This officer is the one broadcasting the chase information and should do so clearly and correctly.
 - e. Only two squads should be in actual pursuit of suspect vehicle. There should be no caravan of field units attempting to join pursuit. Officers involved in a pursuit shall not attempt to pass other police units engaged in the pursuit, unless on the request of the first squad.
 - f. Officers should avoid attempts to stop pursued suspects by "vehicle contact tactics" or driving parallel to their vehicle with a police vehicle. These tactics are very dangerous to officers; only as a last resort, and with great care, should they be used.
2. Second Squad - Officers in the second squad or back-up unit shall notify the dispatcher that they are the back-up unit. The purpose of the second squad is in the event that the first squad requests them to take over the chase.
3. All other Squads - All other squads will remain in their areas and carry on normal patrol duties unless chase enters their area or directed to do otherwise by the supervisor.

C. When to Abandon the Chase.

1. The pursuing officer must at all times use his best judgment in deciding whether he should continue the pursuit.
2. The chase shall be abandoned when the supervisor directs officer to do so.

NEVER SHOULD THE ELEMENT OF ANY PERSONAL CHALLENGE TO THE OFFICER ENTER INTO HIS DECISION.

210.12. EMERGENCY RUNS:

A. Squad cars will not be operated at a speed to exceed 40 MPH, while responding to a call in the city limits. Outside city limits, speed shall be according to the seriousness of call. Drivers of squad responding to emergency calls will exercise due regard toward other traffic and road conditions and also drive in a safe and prudent manner. Any unwarranted high speed pursuit will be subject to review.

B. Department vehicles may be operated as emergency vehicle only within the scope of the law. Emergency operation is authorized when:

1. Responding to assist at a fire scene.
2. Responding to a call for assistance from another officer.
3. Responding to a crime in progress.
4. Responding to a sick or injured party.
5. When in pursuit of a law violator.
6. When time is essential to the response.

IN ALL CASES, THE DRIVER OF THE VEHICLE SHALL USE GOOD JUDGMENT IN THE OPERATION OF THE VEHICLE AND DRIVE WITH THE DUE REGARD FOR SAFETY OF HIMSELF AND THE PUBLIC. YOU ARE OF NO VALUE TO ANYONE IF YOU DO NOT ARRIVE ON THE SCENE.

C. When using emergency warning equipment, before proceeding into any intersection against a read light or in disregard of a stop sign, the driver shall make certain that approaching conflicting traffic has halted or yielded

D. Squads are equipped with sirens and red lights and should be used whenever the squad exceeds the speed limit, except when attempting to clock a speeding vehicle or when their use would hinder apprehension of the suspect.

1. Sirens should not be abused; they only attract attention and cause crowds to gather at the scene.

E. Speeds when making emergency run: OUTSIDE CITY LIMITS

1. Should always be determined by the urgency of the response time necessary and by existing conditions such as traffic, road conditions, visibility, time of day, etc.
2. With few exceptions speeds exceeding 90 M.P.H. should not be necessary and drivers will be held accountable for any violation of such policy.

210.13. RADAR. The radar unit shall be used on all the city streets, trunk highways, and County roads in the City of Henderson. This radar may be used in either the moving mode or the stationary mode. Officers certified on radar who operate this radar will use it to enforce all the speed laws of the City of Henderson. The officer will issue citation to any person who violates the speed law. Citations shall be given to anyone who exceeds the posted speed by ten (10) M.P.H. at the discretion of the officer.

Officers operating the radar unit will not conceal their self behind signs. Officers will operate on tar, gravel or parking lot.

210.14. WHEN AND WHEN NOT PUBLIC INFORMATION:

A. POLICIES IN GENERAL:

1. It is the concern of this department to protect the identity of an individual while he/she is under investigation or involved in an investigation.
2. Never will an officer that is or is not involved in the investigation of a complaint give names of individuals to members of his immediate family, relative or the general public that are under investigation or involved in an investigation.

3. This is not public information until said individual (s) have been formally charged and convicted in a court of law.
4. Never will an Officer give the name of a juvenile offender to the public.
5. All police personnel shall acquaint themselves and be familiar with Minnesota law relating to data practices, Minnesota Statute, Section 13.02 et seq.
6. All police personnel shall acquaint themselves and be familiar with Minnesota law relating to retaining of records, Minnesota Statute, 15.17 et seq.
7. All police personnel shall acquaint themselves and be familiar with Minnesota law relating to government records, administration, Minnesota Statutes, 138.17 et seq.

B. DISCIPLINARY ACTION

1. Through an investigation it is proved an officer gave information to the public that is to be confidential, said Officer if a part-timer will be relieved of his duty and have his provisional or part-time license revoked by the P.O.S.T. board through notification of the Chief of Police, and complaint shall be made to Post Board for further action.

C. INFORMATION TO THE MEDIA.

1. All information given to the media will be by the Chief of Police.

EXHIBIT A.

Date

Name

Address

City, State, Zip Code

Dear _____,

This will acknowledge receipt of the complaint made by you on _____, 19__ concerning the actions of a member (s) of this department.

An investigation will be conducted into the allegations contained in you complaint. You will be advised of the results of the investigation upon its conclusion.

Very Truly Yours,

EXHIBIT B

Date

Name
Address
City, State, Zip Code

Dear _____,

An investigation has been conducted into your report of misconduct by a member (s) of this Department.

The investigation established that the conduct of the concerned officer(s) was contrary to Departmental policy.

You may be assured that this Department does not tolerate such conduct and that appropriate disciplinary action has been administered.

Very Truly Yours

EXHIBIT C.

Date

Name
Address
City, State, Zip Code

Dear _____,

Your report of misconduct by a member of this Department prompted a thorough investigation of the incident you described.

Careful examination and evaluation of the evidence established that the actions of the concerned employee were in accordance with the high standards of performance demanded of members of this department.

Please be assured that we desire to provide the best possible police service and are appreciative when given the opportunity to clarify such matters.

If you desire further information in regard to the investigation of deposition, please contact the Chief of Police.

Thank you for bringing this matter to our attention.

Very Truly Yours,

210.15. DOMESTIC ABUSE:

Subd. 1. POLICY: It shall be the policy of the Henderson Police Department to objectively investigate all cases of suspected domestic violence or abuse. Officers of the Police Department will protect and fully inform the victims of domestic abuse of the resources available to assist the victim in dealing with the trauma of the incident.

Subd. 2 PURPOSE: Police officers have a priority to objectively investigate any criminal allegation when called to the scene of an alleged incident. When investigating domestic violence incidents, officers must strike a very delicate balance where the rights of the victim are protected with same vigor as the rights of the assailant. Officers are reminded that the influence of one party over another in domestic violence incident often times affects the verbal communication of the influenced party. It is for this reason, as well as the need to adhere to thorough investigative techniques, that an officer must use physical evidence and good judgment in investigating cases of domestic violence.

Subd. 3. ASSAULT: Officers of the Henderson Police department will arrest the assailant in cases of domestic abuse when, as a result of the objective investigation, there exists probable cause for an arrest in keeping with the intent of the Minnesota Statutes. If the victim of the domestic abuse declines to assist in the arrest and/or the investigation, officers of the Department will make an arrest if the probable cause can be established independent of the cooperation of the victim. Should the victim retract his/her account of the abuse while the investigation is still being conducted, the officer shall make an arrest if the initial account of the facts coupled with the physical evidence provides probable cause.

In all cases where an arrest is made, the arresting officers shall, (1) notify Chief of Henderson Police Department, (2) in compliance with Minnesota Statute 629.72 Subd. 6., notify the alleged victim of the below listed items and insure their incident report reflects that the information was provided the victim(s) of domestic abuse:

1. The conditions of release of the assailant, if any;
2. The time of release;
3. The time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
4. The location and telephone number of the area battered women's shelter as designated by the department of corrections.

210.16. PROCEDURE FOR VIOLATION OF AN ORDER FOR PROTECTION: Officers of the Henderson Police Department shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

210.17. PROCEDURE FOR PROVIDING ASSISTANCE TO VICTIM WHERE NO ARREST: If a law enforcement officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim. Assistance includes:

1. Assisting the victim in obtaining necessary medical treatment; and
2. Providing the victim with the notice of rights under section 629.341, subdivision 3.

A peace officer acting in good faith and exercising due care in providing assistance to a victim when there is no arrest is immune from civil liability that might result from the officer's action.

210.18. SUPERVISION OF PART-TIME PEACE OFFICERS:

Subd. 1. PURPOSE: The Henderson Police Department recognizes the value of part-time peace officers who function as a supplement to the Chief of Police. The Henderson Police Department further recognizes the necessity of providing quality supervision of our part-time peace officers. In complying with POST rules as they pertain to the supervision of part-time peace officers, it is the Henderson Police Department's desire that such direction and guidance be ongoing and meaningful.

Subd. 2. It is the policy of the Henderson Police Department that supervision be provided to our part-time peace officers by peace officers as required under administrative rule 6700.1110. This policy will minimally address the following requirements found within the rule.

- A. The terms and conditions under which a part-time peace officer is considered to be on active duty status, and;
- B. The means by which a part-time peace officer is made aware of the identity and location of the designated peace officer and the means by which a part-time peace officer must notify the designated peace officer of the part-time peace officer's active duty status, and;
- C. The means by which supervision of the part-time peace officer must be provided, and;
- D. The means by which the part-time peace officer shall notify the designated officer when the part-time peace officer is no longer on active duty status, and;
- E. How the designated peace officer is to be notified of the designated peace officer's responsibility to provide direction and guidance to a part-time peace officer, and;
- F. The duties and responsibilities of the designated peace officer in exercising supervisory responsibility with regards to a part-time peace officer, and;
- G. The means by which the designated peace officer is to be notified when the part-time peace officer is no long on active duty.

Subd. 3. RESPONSIBILITIES OF PART-TIME PEACE OFFICER:

- A. A part-time peace officer is considered to be on active duty during any such time that he officer is in uniform and being compensated by the agency for work performed on a scheduled shift.
- B. The Chief of Police in scheduling a part-time peace officer for duty shall at the same time designate a peace officer as the designated peace officer.
- C. Upon reporting for duty the part-time peace officer shall immediately report to the Sheriff's office the part-time peace officer's active duty status. Reporting to the Sheriff's office may be done through Central Communications, by radio, by telephone, in person or by mobile data terminal.
- D. The part-time peace officer shall at all times be in direct contact with the designated peace officer or have the ability to achieve direct contact with the designated peace officer by radio, telephone or Central Communications, while maintaining the ability to achieve a direct physical presence with the designated peace officer within a reasonable time.
- E. Upon conclusion of the part-time peace officer's assigned shift, the part-time peace officer shall notify the Sheriff's Officer that the part-time peace officer is not long on active duty status. Such communication to the Sheriff's Office by the part-time peace officer shall be made by radio, telephone, mobile data terminal, in person, or through Central Communications.

Subd. 4. RESPONSIBILITIES OF THE DESIGNATED PEACE OFFICER:

- A. The Chief of Police shall at all times be in contact with the part-time peace officer or maintain the ability to achieve direct contact with the part-time peace officer by radio, telephone or through Central Communications. In the event that the Chief of Police is out of the area, the Chief of Police shall immediately inform the part-time peace officer of the fact that he will be out of the area and provide direction to the part-time peace officer on how the part-time peace officer is to achieve direct contact with the designated peace officer should the need arise.
- B. During such time as this designated peace officer is responsible for providing guidance and direction to the part-time peace officer, he shall monitor the activities of the part-time peace officer and provide direction and guidance to the part-time peace officer as the designated peace officer reasonably believes such direction and guidance to be needed.
- C. The Sibley County Sheriff's Office is in receipt of this policy and hereby agrees to have its on duty Deputy Sheriff named as the designated peace officer in the event that the Henderson Police Chief is unable to fulfill this role as the designated peace officer in conjunction with resolution #1985-1 deemed the Sibley County Law Enforcement Mutual Aid Pact.

210.19. INFECTION CONTROL:

Subd. 1. Exposure of any individual to blood or body fluids of a patient carries a risk of exposure to blood borne disease such as Human Immune deficiency Virus (HIV) infection (the AIDS virus) or the Hepatitis B virus. Acquiring either of these infections through blood and body fluids is relatively infrequent. Individuals who are stuck by a needle containing blood from a patient who is a carrier of hepatitis B have a 6-30% chance of developing this infection if they are not appropriately treated. The likelihood of transmitting HIV infection appears to be much, much less; indeed there are about a dozen well-documented cases of transmission of this virus to health care workers throughout the world by mid-1988.

- A. Education of Emergency Service personnel of the modes of transmission of the hepatitis virus and HIV (AIDS virus) should begin immediately and appropriate precautions instituted.

B. There is a need to evaluate all exposures to blood and body fluids. Such an exposure may suggest standard procedures to be followed and it may be appropriate to review these procedures with the employee.

C. Proper documentation, evaluation, treatment and counseling should occur for significant exposures of employees to blood or body fluids.

Subd. 2. HEPATITIS VACCINATION: Hepatitis Vaccinations will be provided to members of the Henderson Police Department as required by the Minnesota Department of Health and Minnesota OSHA. Officers will be asked to sign a form indicating if they want the vaccination or not. The form will then be placed in the officer's personnel file at city hall.

Subd. 3. STANDARD OPERATING PROCEDURES;INFECTIOUS DISEASE

1. Exposure to blood should be minimized. When the possibility of exposure to blood or other body fluid exists, gloves are recommended. During extrication, or when broken glass is present, leather gloves or firefighter gloves should be used. If hands accidentally become contaminated with blood, the hands should be washed thoroughly as soon as possible.

When there is risk of eye or mouth contamination (for example, the patient is vomiting blood material or there is arterial bleeding), protective eyewear and masks are recommended.

2. Used needles and other sharp objects should be considered as potentially infectious and be handled with extraordinary care.

Needles should not be recapped. Needles, syringes, and broken glass vials should be immediately placed in puncture-proof containers after use.

3. Whenever possible, pockets masks (with one-way valves) or positive

PART XI. BOARD OF HEALTH

211.01. BOARD OF HEALTH; HEALTH OFFICER: A Board of Health is hereby established in and for the city of Henderson consisting of a health officer, who shall be the chief executive officer of the Board of Health, and two other members to be appointed by the council. When first appointed, members of the board shall serve until the next annual meeting of the council, and thereafter, members of the Board shall be appointed for a term of 1 year, their terms to expire at the next annual meeting of the council.

211.02. DUTIES: The Board of Health shall make such investigations and reports, and shall obey such directions concerning communicable diseases as the State Department may require or give, and shall enforce all statutes, ordinances, and all lawful rules and regulations concerning public health. In suppressing communicable diseases, all medical and other assistance may be employed as is deemed necessary in the establishing, enforcing, quarantine, and the releasing thereof. All expenses thus properly incurred shall be paid, and thereafter certified to the County Auditor for allowance and payment of one half of the amount by the County as provided by law.

211.03. DUTIES OF HEALTH OFFICER: The Health Officer shall execute the lawful orders of the state and local board of health, and perform such other duties as are or may be prescribed by statute, by ordinance or resolution of the council, or by regulations of the State Board of Health. He shall enforce the nuisance ordinances of the municipality insofar as they relate to matters in any way affecting the public health, and he is hereby given power, and it is made his duty, to enter and inspect any and all premises where food products are stored that are to be or are offered for sale or are sold or offered to the public. It is hereby made a condition of all licenses granted in the city that the said health officer is given power to inspect any and all products sold at any licensed premises. He shall take all necessary steps to abate any nuisance or

unwholesome conditions, and in his discretion, shall recommend the revocation or refusal of any license for any premises operated or maintained in an unhealthful or unsanitary condition.

211.04. COMPENSATION: Compensation of the members of the Board of Health shall be fixed by the council at the time of the appointment of such members or at the annual meeting.

211.05. OBSTRUCTION. It shall be unlawful for any person to oppose or obstruct a member of the city Board of Health or the Health Officers or physician charged with the enforcement of health laws, in performing any legal duty; or for any person to obstruct or hinder the entry of such Health Officer upon premises or into buildings or other places where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected to exist.

Violation of this section shall constitute a misdemeanor, and each act of violation and each day a violation occurs or continues constitutes a separate offense.

PART XII. ABANDONED PROPERTY

212.01. 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.011. 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 week's published notice.

Subd. 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 plate 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 provision of Minnesota Statutes 168B.01 to 168B.13.

Subd. 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 lien-holder makes application and furnishes satisfactory proof of ownership or lien interest with 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.

212.02. 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.

Subd. 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.

Subd. 3. CLAIM BY OWNER: The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city and any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4. SALE: If the property remains unclaimed in the possession of the city for 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.

Subd. 5. DISPOSITION OF PROCEEDS: The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within

six months of the sale, he shall be paid the proceeds of the sale of his property less the cost of storage and the cost of published notice and other costs of the sale.

212.03 STORAGE OF PROPERTY IN OPEN AREAS: Subdivision 1. No garages or home additions not on a permanent foundation and for which no building permit has been obtained, used furniture, appliances, inoperable equipment, garbage, or other refuse shall be kept or stored outside of an enclosed building or garbage disposal containers within the city.

Subd. 2. During construction or repair of property within the city, building materials shall be stacked or stored in a neat and orderly fashion and in a manner, so as to avoid presenting any danger to the general public. Refuse building material shall be neatly piled or stored in garbage containers. All building materials and refuse shall be cleared from the construction project no later than within 180 days of the issuance of the use and building permit authorizing said construction or repair unless the issuing authority extends the time for completion.

Subd. 3. Any person, who is not in compliance with Section 212.03 of this ordinance at the time it becomes law, shall have 6 months from the date it is passed to come into compliance without prosecution. Failure to comply within said 6 month period shall result in a violation (adopted December 21, 2005).

Subd. 4. If the city determines that any person or company is in violation of any provision of any section of this ordinance, they shall serve upon said violator a 15-day warning notice, specifying the violation. If the violator has not corrected the condition to the satisfaction of the city within 15 days after receiving the warning notice, the city may remove or cause to be removed the vehicle, property or material which constitutes the violation and charge the vehicle owner or operator, landowner and/or building contractor responsible for the condition the cost of such removal, plus the cost of storage or disposal of the item or items which constituted the violation. If the assessed cost set out above is not paid within 30 days after billing by the city, the city reserves the right to sell the property in question and/or to assess such cost against real estate on which the violation occurred, on the next real estate tax assessment role following the violation.

Subd. 5. If any violator who is served with a 15 day warning notice under Section 5 above, responds to such notice by moving the item which is in violation to a new location within city limits which is also in violation and the original 15 day warning notice grace period shall continue to run in the same manner as if the violator had moved the item from the original location.

Subd. 6. Any person violating any provision of this ordinance may be charged with a misdemeanor, punishable by a fine of as much as \$1000 and/or imprisonment for not more than 90 days.