

CHAPTER 2: DEPARTMENTS, BOARDS & COMMISSIONS

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SECTION 210. CIVIL DEFENSE.

Section 210.00. Policy and Purpose.

Subd. 1. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to ensure that preparations of the city will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- (a) To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters.
- (b) To provide for the exercise of necessary powers during emergencies and disasters.
- (c) To provide for the rendering of mutual aid between the city, and other political subdivisions with respect to the carrying out of emergency preparedness functions.
- (d) To comply with the provisions of Minnesota statutes, chapter 12, known as the Minnesota Emergency Management Act of 1996.
- (e) To participate as a member of the Lake Minnetonka regional emergency management, preparedness planning and review committee; review and accept its emergency plan as the city's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this ordinance and Minnesota statutes.

Section 210.05. Definitions.

See chapter 12 for definitions.

Section 210.10. Establishment of an Emergency Management Organization.

Subd. 1. There is hereby created within the city government an emergency management organization, which shall be under the supervision and control of the emergency management director, hereinafter called the "director." The director shall be the chief of police of the South Lake Minnetonka Police Department or its successor. The director shall have direct responsibility for the organization, administration and operation of the emergency management organization.

Section 210.15. Powers and Duties of the Director.

Subd. 1. The director shall represent the city on any regional or state conference for emergency management. The director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, provided that the director may not develop mutual aid agreements between the constituent cities of the joint powers agreement operating the South Lake Minnetonka Police Department except in conjunction with consultation and advice of the coordinating committee of the South Lake Minnetonka Police Department and on the presentation and approval of such agreements by the city council. Such arrangements shall be consistent with the emergency plan. The director

shall be the city's representative on the Lake Minnetonka regional emergency management, preparedness planning and review committee.

Subd. 2. The director shall make assessments of personnel, businesses and industries, resources and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.

Subd. 3. The director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present such plan to the city for its approval. When the council has approved the plan by resolution, it shall be the duty of all city agencies and all emergency preparedness forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the basic emergency management activities of the city to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka regional emergency management, preparedness planning and review committee; and federal and state governments.

Subd. 4. In accordance with the emergency plan, the director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the emergency plan when a disaster, major incident or mutual aid occurs.

Subd. 5. During an emergency, major incident or mutual aid, the director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the emergency management organization. The head of each department or agency in cooperation with the director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

Subd. 6. The director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, which may be required on a volunteer basis to carry out the emergency plan. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.

Subd. 7. The director shall carry out all orders, rules and regulations issued by the government authority with reference to emergency management.

Subd. 8. The director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

Section 210.20. Local Emergencies.

Subd. 1. A local emergency, including a disaster, major incident or mutual aid response, may be declared by the mayor, or their legal successors. It shall not be continued for a period in excess of 3 days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the clerk of the local records-keeping agency of the subdivision.

Subd. 2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures, which are consistent with this ordinance.

Subd. 3. No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

Section 210.25. Emergency Regulations.

Subd. 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the city council, the council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the city clerk, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its

availability for inspection at the clerk's office shall be conspicuously posted at the front of the city office or other headquarters of the city or at such other places in the affected area as the council shall designate in the resolution. By like resolution, the council may modify or rescind any such regulation.

Subd. 3. The city council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4. During a declared emergency, the director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within or without the corporation limits of the city, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

Section 210.30. Emergency Management a Governmental Function.

Subd. 1. All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of congress.

Section 210.35. Participation in Labor Dispute or Politics.

Subd. 1. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota statutes.

Section 210.40. Authorizing Dispatch and Use of City Equipment and Services by the Director in Emergency Situations (Mutual Aid).

Subd. 1. The city finds it desirable and necessary to authorize the director to dispatch city equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this ordinance, and section 210.15, subdivision 5.

Subd. 2. The director shall evaluate the internal needs of the city, and dispatch appropriate available aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the city. Aid requested from outside the Lake Minnetonka regional area, shall require mutual agreement between the director and the city clerk or their designee.

Subd. 3. The director shall be fully authorized to act on behalf of the city, regarding all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the city, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the city.

SECTION 215. OFFICES OF CLERK AND TREASURER.

Section 215.00. Offices of Clerk and Treasurer.

The offices of clerk and treasurer of the city may be combined into the single office of clerk-treasurer if approved by the city council. The office of “clerk” or “clerk-treasurer” may be referred to as “city clerk” or “clerk” in this code book.

SECTION 220. PLANNING COMMISSION.

Section 220.00. Establishment of Commission.

A planning commission for the city of Greenwood is hereby established.

Section 220.02. Right to Elect to Suspend the Planning Commission.

Minnesota statutes section 462.355, subdivision 1 enables a municipality to create a planning agency and also to abolish same by two-thirds vote of all members of the governing body. In the event notice is given pursuant to section 220.05, subd. 5 and, despite reasonable efforts, vacancies remain on the planning commission which prevent the commission from convening a quorum as mandated by section 220.10, subd. 3 and otherwise performing its duties, then the city clerk shall advise the city council that the present processing of zoning permits and applications supports emergency suspension of the planning commission until vacancies are filled and / or a quorum thereof is possible. On such advice the city council may by resolution, supported by two-thirds of all members, as authorized by section 1101 of the zoning code, act at a regular or special meeting to:

- A. Temporarily suspend the operation of the planning commission authorized and created under Minnesota statutes section 462.355, subdivision 1, and otherwise suspend its duties under chapter 2, chapter 6, and chapter 11 of this code for a specific term not greater than 60 days;
- B. Assume all of the various duties of the planning commission under chapters 2, 6, and 11 and such other duties for which it may then be responsible under the code, as if no planning commission had ever been established pursuant to Minnesota statutes section 462.355, subdivision 1; and
- C. Direct the zoning administrator and city clerk to cause all matters, which would otherwise be referred to the planning commission for comment, review, hearing, and / or action, to the city council for action accordingly.

In so doing, the city council shall assume all duties of the planning commission, including but not limited to, the conduct of public hearings and reviews pursuant to sections 600 et seq., 1150 et seq., 1155 et seq. and any other applicable code section as if no planning commission had ever been established under Minnesota statutes section 462.355, subdivision 1.

At the expiration of the term of suspension the planning commission shall automatically be restored to full powers and duties under the code.

(THIS SECTION ADDED MAY 2014 ORD 230)

Section 220.05. Planning Commission Appointment and Composition.

Subd. 1. Number of Members and Alternates on the Planning Commission; Compensation. The planning commission shall consist of 5 members and 2 alternate members. Members and alternate members shall serve without compensation.

Subd. 2. Appointment of Persons to the Planning Commission. Persons shall be appointed to a specific seat, or alternate seat by the city council. Member seats on the commission shall be numbered A1, A2, A3, B1, and B2. Alternate member seats shall be numbered Alt 1, Alt 2, and Alt 3. (THIS SECTION REVISED MAY 2014 ORD 230)

Subd. 3. Term. The terms of planning commission member appointments to seats A1, A2, A3 and Alt 1 shall expire in even numbered years. The terms of planning commission member appointments to seats B1, B2, Alt 2, and Alt 3 shall expire in odd numbered years. Appointments to seats on the planning commission shall commence upon the swearing in of the appointee and continue through the third Wednesday of March of the year their term expires.

Members and alternate members who wish to be re-appointed for an additional term shall give notice to the city clerk and may be appointed for additional terms at the discretion of the city council. A member or alternate member may be removed by a 3/5 vote of the entire council. (THIS SECTION REVISED MAY 2014 ORD 230)

Subd. 4. Vacancies in Unexpired Terms. Vacancies in unexpired member and alternate member terms shall be filled by appointment of a person to the specific seat for the balance of the unexpired term. Such interim appointments shall expire in due course in accordance with subdivision 3 above. In the event of a vacancy in an unexpired member term, the planning commission may recommend an alternate member be appointed to fill the unexpired member term. If an alternate member is appointed to a vacancy in an unexpired member term, causing a vacancy in an alternate member seat, the city council may, in its discretion, fill the vacancy in the unexpired alternate member term or wait until the next regular planning commission appointment cycle.

Subd. 5. Process for Notice, Application, and Selection of Members and Alternates.

- 1) Notice of planning commission seats whose terms are scheduled to expire in March and the application process, shall be posted at the office of the city clerk on or about December 1 annually. A copy of the notice shall be included in the council packet of the regular December city council meeting as an informational matter. The city clerk shall include information in the city newsletter.
- 2) Applications may be accepted through the regular March city council meeting. In the event applications are inadequate to fill all seats on the planning commission, notice of vacancies shall remain posted until all vacant seats of expired or unexpired terms are filled by city council action.
- 3) The planning commission may consider and may recommend applicants. Recommended applicants shall be reported to the city council at its regular February council meeting. The city council is not obligated to follow planning commission recommendations.
- 4) At the regular February council meeting applicants may present a concise statement in support of their application. The city council shall vote on applicants for the planning commission at the regular March city council meeting.
- 5) In the event applicants exceed the seats to be filled, the city council shall consider each seat in turn. Council members shall by written ballot then rank the individual applicants from most preferred to least preferred assigning their preferred applicant a number equal to the number of applicants under consideration to their most preferred candidate and lesser numbers in turn to each applicant in declining preferential order. The applicant with the most votes shall be announced and shall be appointed to the seat under consideration.

Subd. 6. Services of City Staff. The city engineer, city attorney, city clerk, and other city staff shall be available to the planning commission on a consulting basis.

Subd. 7. City Council Liaison. The city council shall select one member from its complement to serve as a liaison to the planning commission. The appointed liaison shall serve as Alt 3 and may vote in planning commission matters only when needed to complete a quorum under section 220.10, subd. 3. (THIS SECTION REVISED MAY 2014 ORD 230)

Section 220.10. Organization.

Subd. 1. Rules, Meetings and Officers. The planning commission shall determine its own rules of order and elect its own officers. Regular meetings of the planning commission shall be held on the third Wednesday of each month, as business may require, and such additional meetings as may be required at the call of the chair or at the request of a majority of the members of the planning commission. All hearings conducted by the planning commission shall be open to the public. Alternate members shall be able to participate in consideration and deliberation of planning commission agenda items, but shall not vote thereon, except in the absence of a planning commission member.

Subd. 2. Minutes and Recommendations. The planning commission shall keep minutes of its proceedings. In considering appeals and variance requests, the planning commission shall, by vote, either recommend approval or denial of the request to the city council. In considering conditional uses and variance requests, the planning commission shall advise the city council of any conditions which in its opinion should be imposed upon the applicant if the request is granted.

Subd. 3. Quorum. No hearing shall be conducted by the planning commission without a quorum consisting of 3 members or alternatives. The concurring vote of the quorum shall be necessary to any action by the planning commission.

Subd. 4. Sub-Committees. The planning commission may organize itself into sub-committees for the purpose of investigating and advising the planning commission as a whole.

Section 220.15. Powers and Duties.

Subd. 1. The planning commission shall have the following jurisdiction and duties:

- 1) To prepare and recommend to the city council a comprehensive plan for the development of the city. The plan shall include reasonable requirements for streets, public grounds, public facilities, and the use of land within the corporate limits.
- 2) To recommend to the city council changes to the comprehensive plan, zoning code, shoreland management district ordinance and other zoning controls in conformance with the comprehensive plan.
- 3) To recommend to the city council plans for improvements pursuant to the comprehensive plan and to aid the city council in the development and completion of such projects.
- 4) To hear, review, initiate, and offer recommendations to the city council on zoning ordinance amendments, variances, appeals, conditional uses, platting, subdivision, planned developments and improvement requests referred to it by the city council.

Subd. 2. The commission may, on its own initiative, extend the scope of its studies authorized hereunder as, in its determination, it finds may be helpful to the city council in deciding or considering a comprehensive plan and/or the implementation thereof.