
CHAPTER 1: COUNCIL & ADMINISTRATION

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SECTION 100. COUNCIL PROCEDURE.

Section 100.00. City Council Procedures in General.

Subd. 1. A majority of all members shall constitute a quorum although a smaller number may meet from time to time.

Subd. 2.

- (a) The council shall prescribe rules setting the time and place of regular meetings.
- (b) Special meetings may be called by the mayor or by any two members of the council. The city clerk shall email notification to all council members, the press, and to citizens who have specifically requested notice of all council and commission meetings. The city clerk also shall post notice of the meeting on the city bulletin board at least 72 hours in advance (24 hours for emergency meetings).
- (c) The mayor or, in their absence, the mayor pro tem shall preside at each meeting. With the exception of meetings closed under the open meeting law, all meetings of the council shall be open to the public.
- (d) The council shall have power to regulate its own procedure.
- (e) The council may preserve order at its meetings, compel the attendance of members, punish non-attendance, and shall be the judge of the election and qualification of its members.

SECTION 105. ANNUAL AUDIT.

Section 105.00. Audit Required.

Pursuant to Minnesota statutes, there shall be an annual audit of the financial affairs of the city by the state auditor or a public accountant in accordance with the minimum auditing procedures prescribed by the state auditor.

SECTION 110. ELECTIONS.

Section 110.00. Date of Election.

Pursuant to Minnesota statutes, the city shall hold the regular city election biennially on the first Tuesday after the first Monday in November of each even numbered year.

Section 110.05. Election of Mayor and Councilmembers.

The city council is comprised of a mayor and 4 councilmembers. All councilmembers shall be elected at-large. Two councilmembers shall be elected for 4-year terms at each biennial election. The mayor shall be elected for a 4-year

term beginning with the 2016 biennial election. The terms of elective officers shall commence on the first business day of January following the election at which the officer was elected.

Section 110.10. Adoption of Minnesota Election Statutes and Rules by Reference.

The provisions of Minnesota statutes chapters 200-212 and Minnesota rules chapters 8200-8255, as they may be amended from time to time, are hereby adopted by reference and made part of this section as if set out in full.

(SECTION 110 AMENDED BY ORD 237 AUG 2014)

SECTION 115. SALARIES OF ELECTED CITY OFFICIALS.

Section 115.00. Salaries of Elected City Officials.

Subd. 1. The salaries of elected city officials shall be set by the council and listed in the city ordinance code for public reference.

Subd. 2. Mayor's Salary: Beginning January 1, 2017, the salary of the mayor of the city of Greenwood shall be \$450 per month.

Subd. 3. City Councilmember Salaries: Beginning January 1, 2017, the salary of the councilmembers of the city of Greenwood shall be \$300 per month.

Subd. 4. Annual Salary Increases: Beginning January 1, 2018, the mayor's and city councilmembers' salaries shall increase annually each January 1 by the percentage indicated by the Bureau of Labor Statistics (www.bls.gov) Midwest Region's Consumer Price Index for All Urban Customers (CPI-U) 1-year June to June information available in July of each year. For instance, if the Bureau of Labor Statistics shows the CPI-U for the Midwest increased 1.1% from June 2016 to June 2017, the mayor's and councilmembers' salary increase will be 1.1% in 2018.

(THIS SECTION 115 UPDATED BY ORD 264 NOV 2016 AND BY ORD 271 SEP 2017)

SECTION 120. PROVISION OF SERVICES.

Section 120.00. Provision of Services.

The city council of the city of Greenwood may from time to time contract with adjacent municipalities, public agencies and commercial enterprises for the provision of necessary services within the city.

Section 120.05. Commercial Contracts.

Subd. 1. Unless exempt by statute, all contracts between the city and commercial interests shall be awarded to the lowest responsible bidder under and pursuant to statutory requirements made and provided for municipal bid contracts in Minnesota.

Subd. 2. The council is authorized to make specifications for such contract bids to give reasonable assurance that any such contract is with a responsible bidder.

Subd. 3. The council is authorized to require liability or indemnity insurance, or bid or performance bonds, and in such amounts as the council may determine necessary under each contract.

SECTION 125. GOVERNMENT DATA.

Section 125.00. Government Data.

Subd. 1. Purpose. Minnesota statutes regulate the distribution of government data collected, created, received, maintained, or disseminated by a political subdivision. The city shall designate a responsible authority or designee for the management of government data requests. State law imposes on the city an obligation to establish procedures consistent with Minnesota statutes to ensure that requests for government data are received, and complied with, in an appropriate and prompt manner.

Subd. 2. Appointment of Responsible Authority. The responsible authority for the city shall be the city clerk who may delegate duties to designees. The responsible authority also may be the city's data practices compliance official, pursuant to Minnesota statutes. The responsible authority shall receive, collate, maintain, and disseminate

government data information requests and otherwise respond to persons who request access to same under the government data practices act.

Subd. 3. Written Public Access Procedures. The responsible authority shall prepare public access procedures in written form and update them not later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. The responsible authority shall make copies of the written public access procedures easily available to the public by distributing free copies of the procedures to the public and by posting a copy of the procedures in a conspicuous place within the city office that is easily accessible to the public. Full convenience and comprehensive accessibility shall be allowed to researchers, including historians, genealogists, and other scholars to carryout extensive research and complete copying of all records containing government data except as otherwise expressly provided by law. The public access procedure shall be prepared by the responsible authority in consultation with city staff and consultants. Not later than June 1 of each year, the responsible authority shall prepare a written report to the city council describing what changes, if any, are proposed to the government data public access procedures. The responsible authority shall take such steps as he or she deems necessary to implement the terms of this ordinance and applicable state law, as amended.

Subd. 4. Greenwood Government Data Policy. The responsible authority shall maintain and disseminate government data for the city and respond to requests related thereto as may be appropriate with reference to the government data practices act, as amended. The responsible authority shall maintain for free public inspection, copies of the city code, city council minutes, city council resolutions and ordinances, pending and recent variance and/or conditional use permit applications and related staff reports, adopted and proposed municipal budgets, treasurer's reports, official audits for the past 5 years, and other public documents. The responsible authority shall respond within 10 days to requests for personal data and within 30 days for general public data requests.

Subd. 5. Release of Public Records. Public records shall, at all times, remain in the custody of the city and its agents and shall not be released to the care, custody, or control of the public. In no event, shall the responsible authority be obligated to provide supervision or other services in non-scheduled hours or hours greater than the amount of time for which the responsible authority has been hired by the city on a per week basis.

Subd. 6. Photocopies and Other Costs. The actual cost of photocopies of public documents shall be set per the Minnesota information policy analysis division as amended from time to time and will be set forth in chapter 5 of this code book. The actual costs of searching for and retrieving government data, including the cost of employee time and for making, certifying, compiling, and electronically transmitting copies of data, or the data, shall be determined from time to time by the responsible authority in consultation with city staff and consultants. The person requesting a copy of public data shall be advised of the estimated fees that they will incur. The responsible authority may require payment in advance.

SECTION 130. EMPLOYMENT BACKGROUND CHECKS.

130.00. Applicants for City Employment.

Subd. 1. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of employment background checks for city employment.

Subd. 2. Criminal History Employment Background Investigations. The police department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed: All regular part-time or full-time employees of the city and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation in order to screen employment applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the police department to the hiring authority, including the city council, or others involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota statutes chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota statutes section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior

conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota statutes section 364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

(THIS SECTION ADDED JULY 2011, ORD. 195, A RELATED ORDINANCE IS IN SECTION 470)

SECTION 135. REQUIREMENTS FOR CITY APPROVALS.

135.00. Requirement for City Approvals.

A license, permit, or other city approval or authorization of any kind may be granted only to an applicant who:

1. Has complied with all relevant statutory, charter, and ordinance requirements;
2. Has paid all fees, charges, taxes, special assessments and other debts or obligations that are due from the applicant and payable to the city regarding any matter; and
3. Is in compliance with all ordinance requirements and attached conditions regarding other city approvals that have been granted to the applicant for any matter.

135.05. Waivers.

The requirements of section 135.00 (2) and (3) may be waived in the following circumstances:

1. The applicant has provided sufficient safeguards to assure payment of debts or compliance with city requirements within a reasonable time after the city approval; or
2. Enforcement of the requirements would result in a significant hardship to the applicant through no fault of his/her own or would result in an otherwise unfair situation.

(SECTION 135 ADDED BY ORDINANCE 221, OCTOBER 2013)

SECTION 140. REASONABLE ACCOMMODATION.

140.00. Reasonable Accommodation.

1. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth below.
2. A person may request the modification or waiver of city regulations or policies by submitting a request in writing to the city clerk or zoning administrator. No fee is required for this application. "Person" includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information required by the city clerk or zoning administrator. If the request also requires another city review or approval, then the applicant must file the request concurrently with that application.
3. The city clerk or zoning administrator, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of conditions. In making a decision, the following factors must be considered:
 - a. Whether there is a qualifying disability;
 - b. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;

- c. Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
 - d. Whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;
 - e. Whether the request would impose an undue financial or administrative burden on the city; and
 - f. Any other factor that may have a bearing on the request.
4. The city clerk's or zoning administrator's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the city clerk's or zoning administrator's decision to the city council by submitting a written request to the city clerk within 10 days after the decision was mailed to that party. The city clerk's or zoning administrator's decision is the final decision of the city, unless properly appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.
 5. An approved request is granted only to an individual and does not run with the land unless the city clerk or zoning administrator determines that (a) the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or (b) the accommodation is to be used by another individual with a disability.
 6. The city clerk or zoning administrator may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation.

(SECTION 140 ADDED BY ORDINANCE 221, OCTOBER 2013)

SECTION 150. PAYMENT OF ASSESSMENTS & STORMWATER CHARGES.

150.00. Partial Prepayments.

1. **Special Assessments.** Within 30 days after the city council adopts the resolution approving the assessment roll, the owner of property that is assessed may pay a portion of the total assessment, if payments are made in increments of not less than \$100 and the remaining unpaid balance is not less than \$100. The unpaid balance will be spread over the period of time established by the council for the payment of the special assessments.
2. **Stormwater Charges.** Stormwater charges may be partially prepaid at any time without restriction or penalty.

150.05. Deferment.

1. The city council may defer payment of special assessments and stormwater charges for a period not exceeding 15 years in the following instances:
 - (a) When the property affected is the homestead of the owner, and the owner is retired as a result of age;
 - (b) When the property affected is the homestead of the owner, and the owner is retired as a result of permanent and total disability, which is defined as any of the following:
 - i. The total and permanent loss of the sight of both eyes;
 - ii. The loss of both arms at the shoulder;
 - iii. The loss of both legs so close to the hips that no effective artificial members can be used;
 - iv. Complete and permanent paralysis;
 - v. Total and permanent loss of mental faculties; or
 - vi. Other injury that totally incapacitates the owner from working at an occupation that produces an income.
 - (c) When the property affected is the homestead of the owner, and the owner is a member of the National Guard or other reserves ordered to active military service for whom it would be a hardship to make the payments.
2. A property that receives a deferment under paragraph 1(a) and 1(b) above may not have an annual household income that exceeds the federal poverty level.
3. Deferments will be granted upon the owner's certification of the required qualifications on the city-provided form. The certification may be made at any time following the adoption of the assessment or storm sewer

charge and must be renewed annually by the owner during the term of the deferment, no later than September 30 of each year.

4. Deferred assessments and charges will accrue simple interest during the deferment period at the rate established for the payment of assessments when the assessment or storm sewer charge was adopted.
5. A one time 5-year hardship extension beyond the initial 15 years will be granted upon compliance with all of the following:
 - a. The owner must continue to comply with the requirements of paragraphs 1 and 2 above;
 - b. The owner's minimum age must be 80. If an eligible person becomes deceased and the decedent's spouse does not meet the age requirement, this requirement will be waived in order to avoid a hardship for the surviving spouse;
 - c. The owner must provide copies of his / her / their federal income tax forms for 3 years immediately preceding the hardship request;
 - d. The owner must furnish a statement of all current assets and the nature of their liquidity, showing that other financial resources are not available for payment of the special assessments;
 - e. The bond account established for each special assessment levy in question must be sufficient to discharge all city obligations incurred from the sale of the bonds;
 - f. The years allowed for spreading the unpaid amounts at the end of the 5-year extension may not be fewer than 10 if the property cannot be further divided, or fewer than five if the property is further divisible;
 - g. The special assessment balance at the end of a 5-year extension may not be greater than 50% of the market value of the property as estimated to the end of the 5-year extension. Further, the special assessment balance at the end of a 5-year extension may not result in annual installments of more than \$10,000 based on the remaining years allowed for re-spreading the unpaid amount; and
 - h. The hardship extension must be renewed on an annual basis, no later than September 30 of each year, but may not be renewable for more than a total of 5 years.
6. Upon failure to receive renewal certification, or upon the expiration of the 15-year deferment, the clerk must either:
 - a. Promptly certify to the county auditor the amount of the deferred assessment and accrued interest, to be extended on the proper tax rolls and to be collected over the time remaining of the 30-year period after the original assessment; or
 - b. Promptly certify to the city treasurer the amount of the deferred storm sewer charges to be placed on the utility bills for the affected property and to be collected over the time period allowed for the payment of the charges when originally adopted.

(SECTION 150 ADDED BY ORDINANCE 221, OCTOBER 2013)