

CHAPTER 2. ADMINISTRATION

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📖 Section 200 - Elections

200.01 Election Date. The first Tuesday after the first Monday in November of each even numbered year shall be hereby established as the date for the city general election for the city.

200.02 Statutory Authority. This section shall be adopted pursuant to the authority granted by M.S. Section 205.07, Subd. 1, as it may be amended from time to time.

200.03 Purpose and Intent. This section shall be intended to formalize the date of the city general election in the city.

200.04 Terms of Office.

200.04.1. The term of office for Mayor of the city shall be four years commencing with the term beginning on January 1, 1997.

200.04.2. The term of office for each Council member shall be four years.

📖 Section 210 - Council

210.01 Salaries.

210.01.1 Mayor.

210.01.1.1. The Mayor of the City of Hermantown shall be entitled to receive the sum of \$800 per month as compensation for his or her services as Mayor.

210.01.1.2. If the Mayor attends any mediation sessions, he or she shall be entitled to payment of \$50 if four hours or less shall be spent at any single mediation session, or \$100 if more than four hours shall be spent at any single mediation session.

(Am. Ord. 2014-011, passed 11-3-2014)

210.01.2 Council members.

210.01.2.1. Each Council member of the City shall be entitled to receive compensation for his or her services as a Council member, as provided in this section. Council members' compensation shall be paid \$600 per month. Subject to the preceding sentence and 210.01.2.2 hereof.

210.01.2.2 In addition to the amounts payable under 210.10.2.1 hereof, each Council member shall be entitled to \$50 for four hours of attendance at a single mediation session, or \$100 for more than four hours of attendance at a single mediation session.

210.01.3 Reimbursements. The Mayor and the Council members shall be entitled to reimbursement for expenses incurred by the Mayor or Council members in connection with the performance of his or her official duties as Council member or Mayor. Requests for reimbursements should be made on a form provided by the City and should be accompanied by itemized receipts. Mileage reimbursement shall be made in an amount equal to an amount established by the Internal Revenue Service (IRS). No reimbursement shall be made for insurance charges related to the business use of the Mayor's or any Council member's automobile.

210.01.3.1 Reimbursement for phone and internet: In lieu of reimbursement for cell phones and internet, the Mayor and each Council member will receive an additional stipend of \$35 per month.

(Am. Ord. 2004-07, passed 9-20-04) (Am. Ord. 2014-11, passed 11-3-2014)

210.02 Workers' Compensation. Pursuant to M.S. Section 176.011, Subd. 9(6), as it may be amended from time to time, the elected officials of the city (the Mayor and four Council members) and any persons appointed as Mayor or a Council member shall be hereby considered to be "employees" of the city for purposes of the Minnesota Workers Compensation Act, as it may be amended from time to time.

210.03. Life Insurance. The City shall provide the Mayor and each Council member with a \$30,000 term life insurance policy at no cost to the Mayor or Council member while they hold their respective office.

(Am. Ord. 2014-11, passed 11-3-2014)

210.04 Meetings.

210.04.1 General. The regular City Council meeting shall be held at 6:30 p.m. on the first and third Monday of each month, unless that day is a legal holiday, in which case no meeting shall be held.

210.04.2 Special Meetings. Special meetings may be called by the Mayor or by two Council members. Notice shall be provided as required by law.

210.04.3 Emergency Meetings. Emergency meetings may be called as authorized by statute whenever it is necessary to protect the public health, safety and welfare from harm that would be caused by delay.

210.04.4 Open Meeting Law. All meetings shall be held in accordance with the Open Meeting Law, M.S. Section 471.705, as it may be amended from time to time.

210.05 Public Decorum.

210.05.1 Purpose. The City of Hermantown recognizes that it is necessary for ensuring the effective and efficient operation of democratic city governance to establish rules codified in city law regulating the conduct of members of the public in public meetings. This ordinance seeks to provide a mechanism to ensure the City's ability to serve the City of Hermantown by maintaining an ordered deliberative process while allowing free expression and public discussion. This ordinance is meant to ensure that every member of the public has an equal opportunity to exercise the first amendment right to free speech during public meetings by having equal opportunity to address the public.

210.05.2 Definitions. These terms shall have the following meanings when used in this section.

210.05.2.1 City Council Chambers. The City Council Chambers shall mean the area of the Government Services Building located at 5105 Maple Grove Road in Hermantown, Minnesota where the City Council of the City of Hermantown conducts its meetings and as shown on Exhibit 1 attached hereto.

210.05.2.2 Conference Room. Conference Room means the large conference room off the City Hall lobby depicted on Exhibit 2 attached hereto.

210.05.2.3 Members of the Public. Individuals other than city staff, city councilors, and the mayor who are in attendance in the City Council Chambers of Council Meetings or present in Permitted Areas.

210.05.2.4 Permitted Areas. Areas of land and areas in buildings owned by the City of Hermantown not including the City Council Chambers. Permitted areas include, but are not limited to, the lobby of Hermantown City Hall, the sidewalks, lawns, driveways, and parking lots which surround the Hermantown City Hall and are on city property. The Permitted Areas are generally depicted on the drawing attached hereto as Exhibit 3.

210.05.2.5 Public Meetings. Public Meetings shall mean any meeting of the City Council, Planning Commission, Hermantown Economic Development Authority, Utilities Commission, Park Board or any other board or commission of the City.

210.05.2.6 Restricted Areas. The areas depicted on Exhibit 4 attached hereto are Restricted Areas and are not available to the public.

210.05.3 Presiding Officer. The Mayor shall preside at all meetings of the Council. In absence of the Mayor, the acting Mayor shall preside. The presiding officer of any other public body conducting a public meeting as determined by the governing structure or members of such body shall have the power to preserve strict order and decorum at meetings, enforce the rules of procedure and determine without debate, subject to the final decision of the body on appeal, all questions of procedure and order.

210.05.4 Appeal of the Ruling of the Presiding Officer. Any member may appeal a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the questions involved in the appeal and the presiding officer may explain the ruling, but no other member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority vote.

210.05.5 Public Participation in Public Meetings.

210.05.5.1 Public Participation. In each of the following public participation periods, members of the public addressing the public shall have three (3) minutes to speak with a maximum of six (6) minutes if time is donated by another member of the public. The public body may, by majority vote, alter these time limits.

Members of the public should refrain from unduly repetitious comments. This rule shall not apply to the proponents of applications at public hearings. Members of the public may address the public and Mayor during:

210.05.1.1 Public Hearings.

210.05.1.2 Public Comments Portion.

210.05.1.3 Specific Issues Scheduled on the Consent Agenda. If a member of the public requests discussion on any consent agenda issues, that issue will be moved to the end of the consent agenda and discussed then.

210.05.5.2 Written Communication on All Matters. All interested parties may address the body in writing regarding matters under the body's consideration. The City Clerk shall copy these communications to the body and forward said communications with the meeting packet if possible. If written communications are received after meeting packets are delivered to members of the body, such communications will be handed out at the meeting.

210.05.6 Rules of Decorum.

210.05.6.1 Conduct of Public. While the public body is in session, the public must observe order and decorum. A member of the public shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the body nor disturb any member of the body while speaking or refuse to obey the orders of the presiding officer.

210.05.6.2 Recognition. No member of the public shall address the body without being recognized by the presiding officer.

210.05.6.3 Discussion. No member of the public shall speak more than twice on any question, nor more than three (3) minutes each, with a maximum of six (6) minutes if time is donated by another member of the public, time without consent or the presiding officer.

210.05.6.4 Pertinent to Matter Under Debate. Members of the public shall confine remarks to the matter under debate.

210.05.6.5 Addressing the Body. Each member of the public addressing the body shall step up to the podium provided for the use of the public after being recognized by the presiding officer, speak into the microphone, and give his/her name and address in an audible tone of voice for the records, state the subject to be discussed and state who the speaker is representing if representing an organization or other persons. Unless further time is granted by a majority vote of the body, remarks from the public shall be limited to three (3) minutes with a maximum of six (6) minutes if time is donated by another member of the public. All remarks shall be addressed to the body as a whole and not to any member thereof and not to any member of the public or staff. No person other than the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the body, without permission of the presiding officer. No question may be asked of a member of a body or a member of the staff without the permission of the presiding officer.

210.05.6.6 Mask and Noise Machines. No masks shall be worn for the purpose to conceal identity in all City Buildings. Further, no noise making machines or devices are allowed in the City Council Chambers or the Conference Room and no voice-altering machines or devices may be used by anyone in the City Council Chambers or the Conference Room

210.05.6.7 Signs and Flags. Signs and flags brought into the City Council Chambers or the Conference Room must not exceed 11 inches by 17 inches. Signs must not display profane language or images and may not block the view of the body from the public.

210.05.6.8 Spokesperson for Group of Persons. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the body on the same subject, it shall be property for the presiding officer to request that a spokesperson be chosen by the group to address the body and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the body and limit the presentations in order to avoid repetitive comments.

210.05.6.9 General Conduct. Any member of the public making disparaging, slanderous, or profane remarks or who willfully utters loud, threatening, or abusive language or engages in any disorderly conduct which would impede, disrupt, or disturb the orderly conduct of any meeting, hearing, or other proceeding, shall be called to order by the presiding officer and, if such conduct continues, may at the discretion of the presiding officer, be ordered removed and barred from further audience before the body during that meeting.

210.05.6.10 Offensive Conduct. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling or other forms of noisemaking, which disturbs the peace and good order of the meeting or renders unintelligible the remarks of members of the body, members of the public, or city staff, who have been given permission to speak by the presiding officer.

210.05.6.11 Location. Members of the public are permitted in the area of the City Council Chambers that is behind an imaginary line drawn from the podium and across the City Council Chambers. This line may be marked by the City. Members of the public are permitted in the chairs located along the west wall of the Conference Room. When a member of the public has materials or communications to hand out to the staff or body, said member of the public must obtain permission from the presiding officer before crossing the imaginary line set by the City.

210.05.6.12 Restricted Areas. No member of the public is permitted in any restricted area without permission by staff, the Mayor and any City Councilor.

210.05.6.13 Permitted Areas. Members of the public are permitted in the Permitted Areas subject to the following rules:

210.05.6.13.1 Noise Levels. Noise produced by any member of the public or group of members of the public gathered in the permitted areas shall at any time not exceed ____ decibels. Further, knocking or pounding on the glass separating the City Council Chambers or the Conference Room from the lobby is prohibited.

210.05.6.13.2 Time. No member of the public shall be allowed in any of the permitted areas between the hours of 10:00 PM and 7:00 AM

210.05.6.13.3 Signs and Flags. Signs and flags brought into the permitted areas must conform to the same requirements as signs and flags brought into the City Council Chambers of the Conference Room.

210.05.6.13.4 Obstructing, Entrances, Driveways, and Movement. No member of the public shall obstruct any entrances to, exits from, or other doorways within city buildings of driveways or roadways or use any object to do the same. Further, no member of the public shall obstruct or constrain the movement of any city councilor, city staff member, or other members of the public.

210.05.6.13.5 Obstructing Emergency Vehicles and Personnel. No member of the public may obstruct any emergency vehicles or personnel attempting to leave, enter, or maneuver within the permitted areas.

210.05.7 Enforcement of Rules.

210.05.7.1 Violation Results in Misdemeanor. Violation of any of the provisions of this section constitutes a misdemeanor.

210.05.7.2 Warning. All persons shall, at the request of the presiding officer, be silent or otherwise cease all disruptive activities. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer may order this person removed from the meeting. If this person does not leave willingly, the presiding officer may call a recess and order that person be removed by the Sergeant-at-Arms.

210.05.7.3 Sergeant-at-Arms. The Chief of Police, or such member or members of the Police Department, shall be Sergeant-at-Arms of the Council meetings. The Chief or other Police Department representative shall carry out all orders and instruction given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council.

210.05.7.4 Motions to Enforce. Any Council member may move to require the presiding officer to enforce these rules and the affirmative vote of a majority of the Council shall require the presiding officer to do so.

210.05.7.5 Civil Penalties. In addition to all other remedies available to the City, the City may seek to obtain preliminary, temporary and permanent injunctive relief against a person who is in violation of the provisions of this Ordinance. In such event, the City will proceed with its claims against the person requesting a court order compelling such person to pay the City's costs and expenses incurred in connection with such process, including reasonable attorneys' fees.

210.05.7.6 Adjournment. In the event that any meeting is disturbed by an individual or group of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of individuals who are creating the disturbance, the meeting may be adjourned with the remaining business considered at a subsequent meeting.

EXHIBIT 1

City Council Chambers

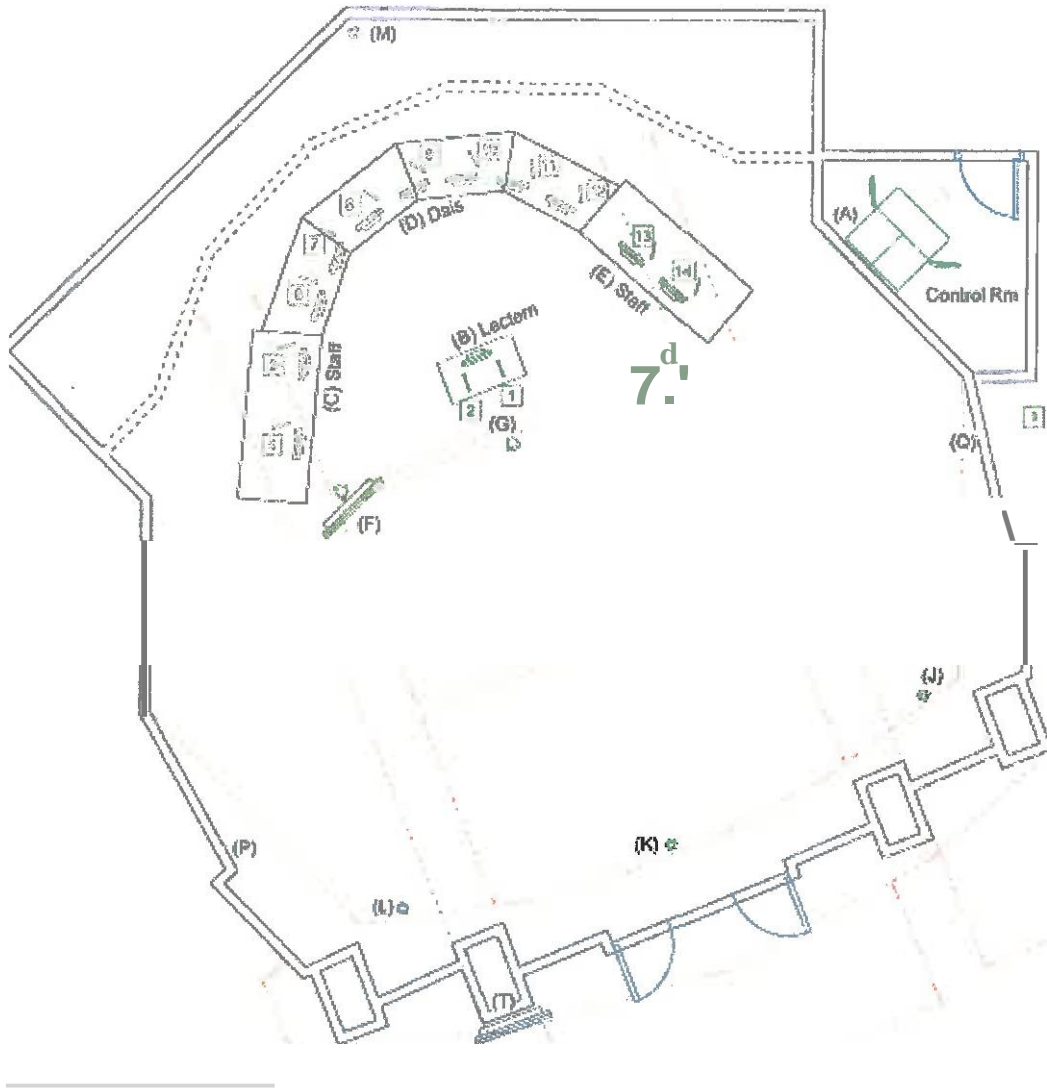
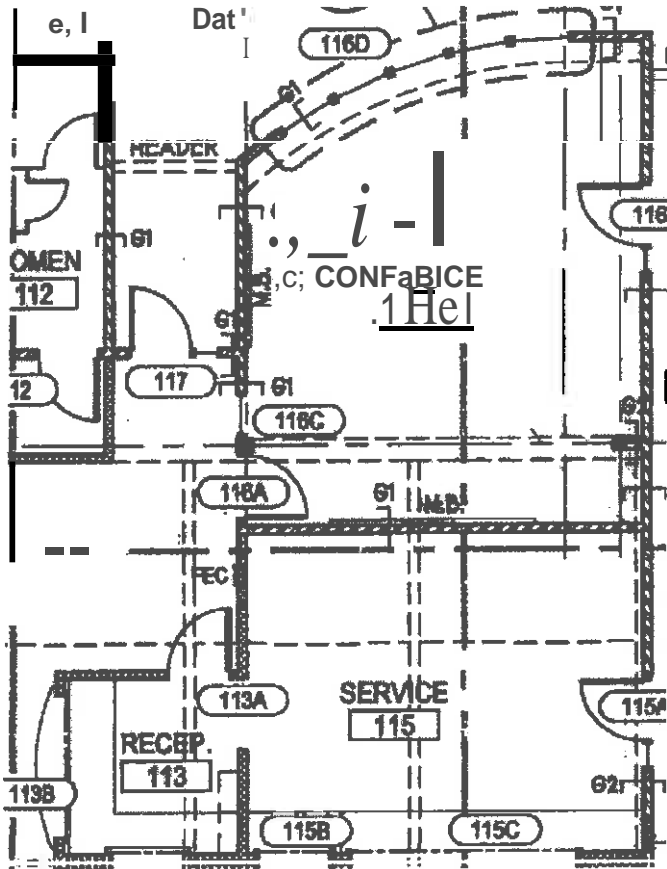


EXHIBIT2
Conference Room





St. Louis County, Minnesota

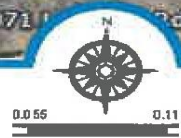
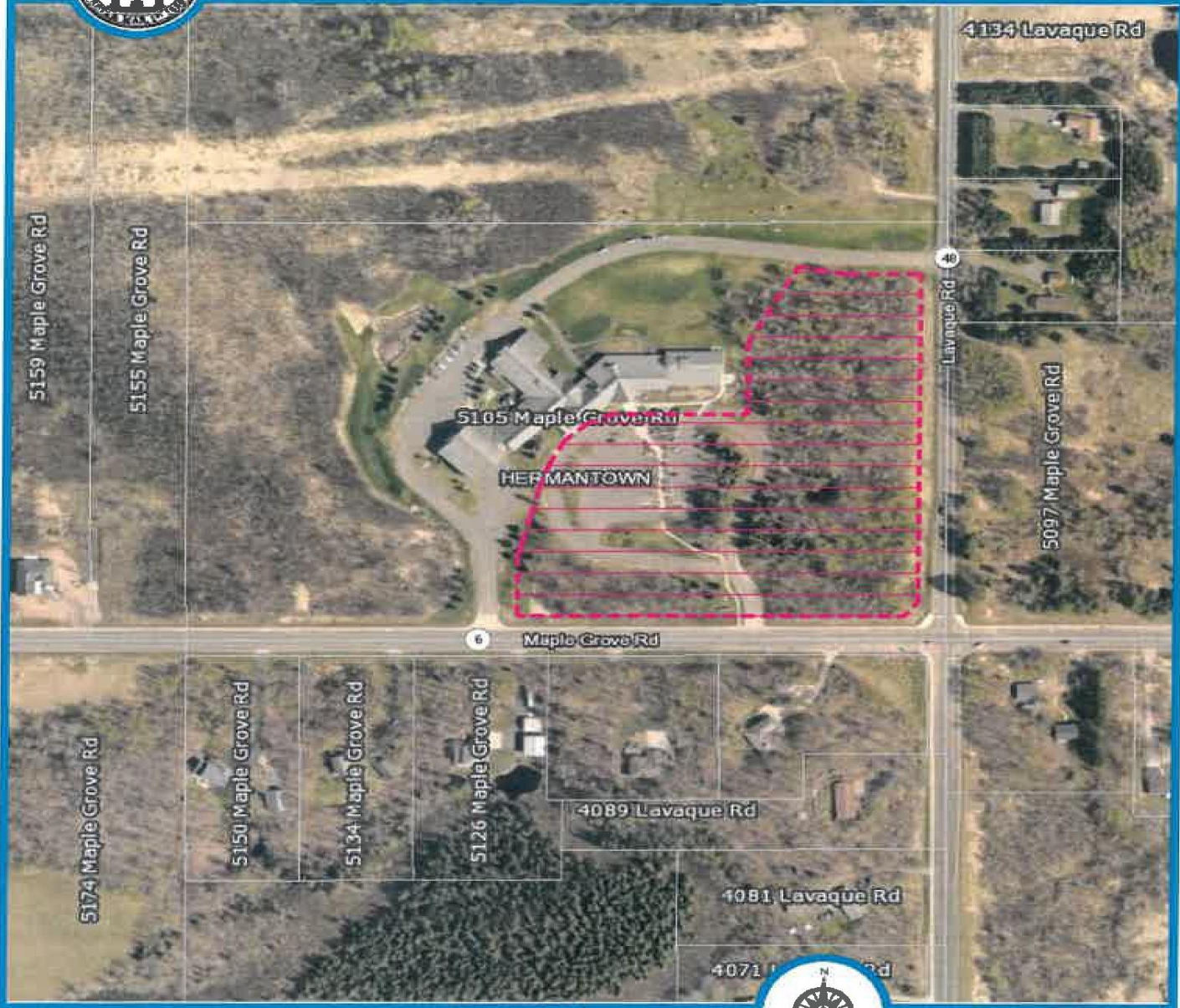


Exhibit 3

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St. Louis County, Minnesota

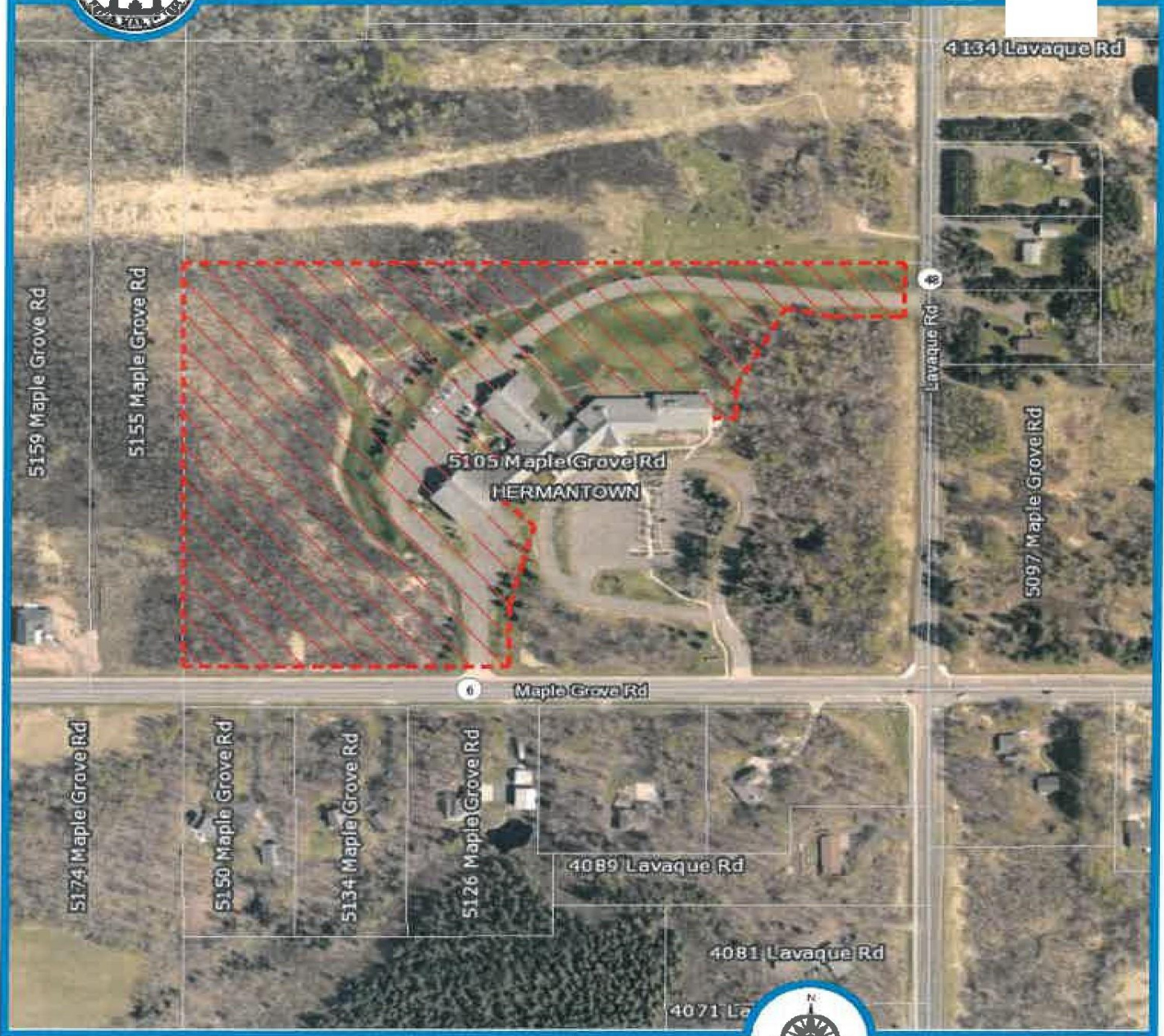


Exhibit 4



(Am. Ord. 2001-02, passed 3-5-01) (Am. Ord. 2014-11, passed 11-3-2014) (Am. Ord. 2019-07, passed 8-5-2019)

Section 220 - City Administrator

220.01 Office Established. The office of City Administrator of the City of Hermantown shall be hereby continued. The City Administrator shall be the administrative head of the government of the city and responsible for the efficient administration of all departments of the city.

220.02 Appointment, Compensation and Tenure. The City Administrator shall be appointed by the City Council. The City Administrator shall be appointed for an indefinite term. The City Administrator's compensation shall be established by the City Council. The City Administrator may, at any time, be removed from office by a majority vote of the members of the City Council, subject to the terms of any applicable employment contract.

220.03 Duties and Responsibilities.

220.03.1. The specific duties and responsibilities of the City Administrator shall include:

220.03.1.1. Subject to City Council regulation and applicable laws, control and direct the administrative affairs of the City;

220.03.1.2. Recommend to the City Council the appointment and removal on the basis of merit and performance, all department heads;

220.03.1.2.1 The City Administrator and/or his/her designee shall have the authority to appoint all subordinate employees including the Accountant, Chief Deputy, and the City Clerk.

220.03.1.3. Attend meetings of the City Council and participate in discussion;

220.03.1.4. Recommend to the City Council such measures as City Administrator shall deem necessary for the welfare of the citizens of the City and the efficient administration of the affairs of the City;

220.03.1.5. Maintain, if so directed by the City Council, an Administrative Code for adoption by the City Council;

220.03.1.6. Make periodic reports of the financial condition and needs of the City to the City Council when and as requested by the City Council;

220.03.1.7. Prepare an annual budget and capital improvement program for approval by the City Council;

220.03.1.8. Maintain financial guidelines for the City within the scope of the City Administrator's responsibilities;

220.03.1.9. Be responsible for all personnel matters for the City pursuant to policies established by the City Council and recommend to the City Council for its approval, employee salaries, benefits and working conditions; and

220.03.1.10. Represent the City at official functions as directed by the City Council and maintain good public relations with the citizens of the community;

220.03.2. The City Administrator shall have authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed \$10,000. All claims against the City resulting from orders placed by the City Administrator shall be audited for payment by the City Council. In all cases, the City Administrator shall comply with the Hermantown Code, applicable statutes and rules and regulations of the City Council.

220.03.3. The City Administrator shall monitor all consulting and contracted work performed for the city and cooperate with all consultants appointed by the City Council.

220.03.4. The City Administrator shall be informed regarding federal, state and county programs which affect the city and consult with officials of both public and private agencies as may be required.

220.03.5. The Administrator shall perform other duties as shall be assigned to the City Administrator by the City Council.

220.04 Bond Required. Before entering upon the duties of this office, the City Administrator shall furnish a corporate surety bond to be approved by the City Council as to amount and by the City Attorney as to form. The bond shall be conditioned upon the faithful performance of his or her duties. The premium for the bond shall be paid by the city.

(Am. Ord. 2016-51, passed 8-1-16)

Section 230 - Boards and Commissions

230.01 Park Board.

230.01.1 Statutory Authorization. This subsection is adopted pursuant to the authority contained in M.S. Section 412.501, as it may be amended from time to time.

230.01.2 Park Board Continued. The Park Board of the City of Hermantown in existence on the effective date of this Code is ratified and confirmed as the Park Board of the City of Hermantown, hereinafter referred to as “the Board.”

230.01.3 Membership.

230.01.3.1. The Board shall consist of seven members who shall be appointed from time to time by resolution of the City Council. One City Council member shall be an ex-officio member of the Board. The Council member ex-officio shall not be entitled to vote on matters presented to the Board except when such Council member's presence must be counted in order to satisfy the quorum requirements.

230.01.3.2. The terms of the members shall be staggered so that one term expires in one year, two terms expire in the next year and two terms expire in the successive year. All appointments shall be for a term of three years except that any vacancy occurring in the membership of the Board shall be filled, for the unexpired term only, by resolution of the City Council. All terms shall be for the calendar year. The initial term of any member shall be prorated so that it will end at the end of the first calendar year of his/her appointment. Each member shall serve until his/her successor is named. The members of the Board shall reside in and be registered voters of the City. At its first meeting of each calendar year, the Board shall elect from its membership a Chair and a Vice-chair. The Chair position shall rotate bi-annually beginning in 2015, provided that no person shall be elected as Chair who has not completed at least one (1) year as a member of the Board and provided further that the City Council ex-officio member may not be elected as Chair. The members of the Board shall serve without pay or other compensation or benefits.

(Am. Ord. 2013-11, passed 10-21-13) Am. Ord. 2019-04, passed 4-15-19)

230.01.3.3. The Council may remove any member of the Board for good cause. For purposes of this section, “good cause” shall include failure to regularly attend meetings of the Board.

230.01.4 Legal Counsel. The City Attorney shall act as the legal adviser to the Board.

230.01.5 Meetings.

230.01.5.1. The Board shall meet at stated intervals fixed by resolution of the Board or at the call of the chairperson or at the call of any two members of the Board.

230.01.5.2. All meetings of the Board shall be open to the public unless involving matters for which meetings may be closed to the public under the Minnesota Open Meeting Law, as it may be amended from time to time.

230.01.5.3. The Board shall follow Robert’s Rules of Order in the conduct of its business subject to the provisions of this Section 230.01.

(Am. Ord. 2013-11, passed 10-21-13)

230.01.6 Rules and Procedures. The Board shall adopt reasonable rules and regulations for the conduct of its business.

230.01.7 Quorum. No action of the Board shall be taken without a quorum, consisting of a majority of appointed members entitled to vote, or one less than a majority of appointed members entitled to vote, and the Council member ex-officio member, being present.

230.01.8 Voting. The concurring vote of a majority of the members voting on any matter shall be necessary for any action to be taken by the Board.

230.01.9 Jurisdiction and Duties. The Board shall have the following jurisdiction and duties:

230.01.9.1. It shall, at least annually, make reports of its activities to the City Council.

230.01.9.2. It shall maintain, beautify and care for all park property in the City.

230.01.9.3. It shall perform such other functions as may by resolution of the City Council be delegated to it.

230.01.10 Compliance with Other Ordinances. In exercising the authority granted it under this section, the Board shall proceed in accordance with all applicable laws of the state.

230.01.11 Purchasing; Contracts. The Board shall, in all respects, comply with 240.01.

230.02 Utility Commission.

230.02.1 Statutory Authorization. This section is adopted pursuant to the authority contained in M.S.§412.321, as it may be amended from time to time.

(Am. Ord. 2013-11, passed 10-21-13)

230.02.2 Utility Commission Continued. The Utility Commission of the city in existence on the effective date of the enactment of this Code shall be hereby ratified and confirmed as the Utility Commission of the city, hereinafter referred to as “the Commission.”

230.02.3 Membership.

230.02.3.1. The membership of the Commission is five members. Members of the Utility Commission shall be appointed from time to time by resolution of the City Council. The terms of the members shall be staggered so that one term expires in one year, two terms expire in the next year and two terms expire in the successive year. One City Council member and the City Superintendent shall be ex-officio members of the Commission. The City Council member ex-officio shall not be entitled to vote on matters presented to the Commission, except when the Council member's presence shall be counted in order to satisfy the quorum requirements.

230.02.3.2. All appointments shall be for a term of three years, except that any vacancy occurring in the membership of the Commission shall be filled, for the unexpired term only, by resolution of the City Council.

230.02.3.3. The members of the Commission shall reside in and be registered voters of the City. At its first meeting of each calendar year, the Commission shall elect from its membership a Chair and a Vice-chair. The Chair position shall rotate bi-annually beginning in 2015, provided that no person shall be elected as Chair who has not completed at least one (1) year as a member of the Commission and provided further that the City Council ex-officio member may not be elected as Chair. The members of the Commission shall serve without pay.

(Am. Ord. 2013-11, passed 10-21-13)

230.02.3.5. The City Council may remove any member of the Commission for good cause. For purposes of this subsection, “good cause” shall include failure to regularly attend meetings of the Commission.

230.02.4 Legal Counsel. The City Attorney shall act as the legal adviser to the Commission.

230.02.5 Meetings.

230.02.5.1. The Commission shall meet at stated intervals fixed by resolution of the Commission or at the call of the chairperson or at the call of any two members of the Commission.

230.02.5.2. All meetings of the Commission shall be open to the public unless involving matters for which meetings may be closed to the public under the Open Meeting Law, as it may be amended from time to time.

230.02.5.3. The Commission shall make and keep minutes of its meetings and records of its hearings and other official actions.

230.02.6 Rules and Procedures. The Commission shall follow Robert’s Rule of Order in the conduct of its business subject to the provisions of this Section 230.02.

(Am. Ord. 2013-11, passed 10-21-13)

230.02.7 Quorum.

230.02.7.1. No action of the Commission shall be taken without a quorum, consisting of three of the appointed members, or two appointed members and the Council member ex-officio being present.

230.02.7.2. The concurring vote of a majority of the members voting on any matter shall be necessary for any action to be taken by the Commission.

230.02.8 Jurisdiction and Duties. The Commission shall have the following jurisdiction and duties:

230.02.8.1. To consider and make recommendations to the City Council with respect to improvements to be constructed and financed pursuant to M.S. Chapter 429, as it may be amended from time to time;

230.02.8.2. To monitor the public utilities provided by the city; and

230.02.8.3. To monitor the performance of the current companies, holding franchises for the conduct of business in the City or “companies” herein, under the cable television, electric, and gas franchises granted by the city.

230.02.8.4. The Commission shall submit an annual report to the City Council assessing the companies performance according to the terms of franchise applicable to it and make recommendations to the City Council regarding the need for any modification to the applicable franchises.

230.02.8.5. To perform such other functions as may by resolution of the City Council be delegated to it.

(Am. Ord. 2013-11, passed 10-21-13)

230.02.9 Compliance with Law; Acceptance of Statutory Provisions. In exercising the authority granted it under this subsection, the Commission shall proceed in accordance with all applicable laws of the state.

(Am. Ord. 2013-11, passed 10-21-13)

230.02.10 Purchasing; Contracts. The Commission shall in all respects comply with 240.01.

Section 240 - City Finances

240.01 Purchasing.

240.01.1 Purchasing Agent. The City Administrator shall be the Purchasing Agent for the City. The City Administrator may delegate this responsibility to the Finance Director.

240.01.2 Duties. The Purchasing Agent shall:

240.01.2.1. Act to procure for the city the highest quality supplies and contractual services at the least expense to the city, consistent with this section;

240.01.2.2. Carry out all administrative duties necessary to purchase or contract for all supplies and services by any department, board or commission deriving support wholly or in part from the city;

240.01.2.3. Require a written request from all city departments for all purchases not authorized under the current budget; all boards and commissions shall submit written requests for all expenditures before any purchase is made;

240.01.2.4. Perform all requirements imposed upon him or her by this section;

240.01.2.5. Sell by competitive bids equipment or supplies deemed by the City Council to be obsolete or unusable according to applicable state laws; and

240.01.2.6. Perform any other duties required by law, ordinance, rules or resolutions of the City Council.

240.01.3 Competitive Bidding. The purchasing agent shall follow the provisions of state law with respect to competitive bidding requirements.

240.01.4 Contracts. Contracts for less than \$10,000 if for an authorized and approved budget item may be entered into by the Purchasing Agent. For contracts not authorized by the current budget or which are above the budgeted amount or in excess of \$10,000, the Purchasing Agent may enter into the contract only with advance approval of the Council.

240.02 Public Works Reserve Fund.

240.02.1 Establishment. There shall be hereby continued a "Public Works Reserve Fund" for the city.

240.02.2 Purpose.

240.02.2.1. The Public Works Reserve Fund shall be used only for capital improvements of a type for which the city shall be authorized to issue bonds, and for expenses incurred in connection with a proposed or completed capital improvement of a type which the city shall be authorized to pay from the proceeds of a bond issue.

240.02.2.2. "Capital improvement" shall not include construction or acquisition of steam heat, telephone, gas or electric plant or system.

240.02.3 Disbursements. No disbursements shall be made from the Public Works Reserve Fund unless authorized by resolution of the City Council. The resolution shall identify the capital improvement for which the disbursement is to be made, the amount of the disbursement and a determination by the Council that the disbursement shall be in accordance with this section and consistent with the policies and procedures adopted by the City Council under 240.02.4.

240.02.4 Administration. The City Council shall, from time to time, by resolution, establish procedures and policies to govern the appropriation of funds to the Public Works Reserve Fund, to guide the City Council in determining for what projects the moneys in the fund should be expended and to govern the disbursement of moneys from the fund.

240.03 Community Development Fund.

240.03.1 Fund Created. There is hereby created a separate fund to be designated as the Community Development Fund ("CDF"). This fund shall be maintained in the official city accounting records and administered by the City Finance Director in accordance with the provisions of this subsection. The following amounts shall be deposited in to the CDF.

240.03.1.1. \$100,000 from City Fund 303.

240.03.1.2. \$50,000 from the Utility Fund.

240.03.1.3. Investment earnings generated by the monies in the CDF.

240.03.1.4. Any other monies appropriated by the Council or dedicated for the purposes of the CDF.

240.03.2 Expenditure Limitations; Criteria.

240.03.2.1. The proposed Development activity ("Project") must be located within the City of Hermantown corporate limits.

240.03.2.2. The Project must obtain all permits required by the City and other governmental entities.

240.03.2.3. The Project must produce a positive economic impact to or for the City. All aspects of economic impact should be considered. The creation of jobs, maintenance of jobs, real estate taxes, sales taxes and other economic benefits to the City should be considered. This would include the Project's overall positive economic impact to the City including its effectiveness in attracting tourists, visitors and other businesses to the City.

240.03.2.4. The Developer of the Project ("Developer") must be creditworthy and have the ability to perform its obligations under any agreements to be entered into between the Developer and the City with respect to the Project.

240.03.2.5. The expenditure by the CDF shall be subject to whatever agreements and documents are reasonably necessary to insure that the purpose and intent of the CDF are met.

240.03.2.6. Expenditures from the CDF shall not exceed the lesser of (i) 25% of the total for the infrastructure improvements directly related to the Project or (ii) \$24,500.

240.03.2.7. The Developer must be a for profit private enterprise entity or business.

240.03.2.8. The expenditures from the CDF may only be used for infrastructure improvements (public road, water main or sewer main) that leads to an increase in the tax base of the City.

240.03.2.9. The Developer must commit to continue operation of the Project for a period of two years after the commencement of its operations. If it fails to do so the amount of the expenditure by the CDF shall be placed as an assessment against the land upon which the Project is located.

240.03.2.10. The Project has sufficient community-wide benefit as determined by a review of its intended users, degree to which it addresses a community-wide need or problems, and the Project is consistent with other City goals, programs, policies and ordinances.

240.03.2.11. The Project must be classified under the state real estate tax system in effect as commercial/industrial.

240.03.3 Funding Procedure. Expenditures from the CDF may be made only after compliance with the following procedures:

240.03.3.1. The Developer must make an application for funding to the City on a form to be provided by the City.

240.03.3.2. All applications for funding by the CDF shall be submitted to the City Administrator or be initially reviewed by the City Administrator. The City Administrator will preliminarily determine the ability of

the Developer to comply with the requirements of this subsection. If the City Administrator reasonably believes that the Developer will be able to comply with such requirements, then the application shall be presented to the Fast Track Review Committee of the City of Hermantown.

240.03.3.3. The Fast Track Review Committee will fully consider any application presented to it by the City Administrator as preliminarily meeting the requirements of this subsection. The Developer shall provide, if reasonably possible, to the Fast Track Review Committee.

240.03.3.3.1. A comprehensive business plan, including a three year projection of the balance sheet, income statement, sources and uses of funds;

240.03.3.3.2. Financial statements for the immediate past three years, including a balance sheet, a profit-and-loss statement current to the most recent calendar quarter. Where available, audited financial statements (including footnotes) should be provided for the past three years.

If the Fast Track Review Committee determines that the requirements of this subsection will be able to be met by the Developer it shall give due consideration to the items in 240.03.2 and make findings with respect to each such requirement. The Fast Track Review Committee shall make a recommendation to the City Council with respect to each application.

240.03.3.4. The City Council shall review all applications for expenditures by the CDF. The City Council shall consider the findings and recommendations of the Fast Track Review Committee with respect to each application. After such review, the City Council shall make findings and recommendations with respect to tie application for such expenditure from the CDF as required by 240.03.1. A 4/5 vote of the City Council is required for approval of an expenditure from the CDF.

NOTHING HEREIN SHALL REQUIRE THE CITY COUNCIL TO APPROVE AN EXPENDITURE FROM THE CDF TO A BUSINESS THAT MEETS THE REQUIREMENTS OF THIS ORDINANCE. THE CITY COUNCIL NEED NOT APPROVE AN EXPENDITURE FROM THE CDF TO A DEVELOPER THAT MEETS ALL OF THE REQUIREMENTS OF THIS ORDINANCE UNLESS THE CITY COUNCIL IN ITS SOLE DISCRETION DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CITY OF HERMANTOWN TO MAKE SUCH EXPENDITURE.

(Am. Ord. 2002-01, passed 3-4-02)

240.04 Municipal Sales Tax

240.04.1 Authority. The Minnesota Legislature has by Laws of Minnesota for 1996, Chapter 471, Article 2, Section 29, as amended by Laws 2006, Chapter 259, Article 3, Section 3 and by Laws 2011, Chapter 7, Article 4, Section 4 , authorized the City to impose a one percent (1.0%) sales and use tax within the City to provide revenues to pay certain costs related to the funding of extending a sewer interceptor line, construction of a booster pump station, reservoirs, and related improvements to the water system, and construction of a building containing a police and fire station and an administrative services facility. The City of Hermantown approved the State Laws in accordance with applicable law.

240.04.2 Definitions. The words, terms, and phrases used in Section 4.01 to Section 4.13 shall have the meaning ascribed to them in Minnesota Statutes, Section 297A.61, except where the context clearly indicates otherwise. In addition, the following definitions shall apply:

240.04.2.1 “State Laws” means Laws 1996, Chapter 471, Article 2, Section 29, as amended by Laws 2006 Chapter 259, Article 3, Section 3 and Laws 2011 1sp Chapter 7, Article 4.

240.04.2.2 “City” means the City of Hermantown

240.04.2.3 “Commissioner” means the Commissioner of Revenue for the State of Minnesota, acting under the authority of an agreement entered into between the City and the State of Minnesota pursuant to the State Laws, or such other person or entity designated to administer and collect the Hermantown Sales Tax.

240.04.2.4 “Hermantown Sales Tax” means the sales and use tax imposed and collected pursuant to this Title 4.

240.04.2.5 “Title 4” means this Title 4 of the Hermantown City Code.

240.04.2.6 “Retailer maintaining a place of business in the City” or any like term, shall mean any retailer having or maintaining within the City, directly or by a subsidiary, an office, place of distribution, sales or sample room or place, warehouse, or other place of business, or having any representative, agent, salesperson, canvasser, or solicitor operating in the City under the authority of the retailer or its subsidiary, for any purpose, including the repairing, selling, delivering, installing, or soliciting of orders of the retailer’s goods or services, or the leasing of tangible personal property located in the City, whether the place of business or agent, representative, salesperson, canvasser, or solicitor is located in the City permanently or temporarily, or whether or not the retailer of subsidiary is authorized to do business within this City.

240.04.3 Sales Tax. Except as otherwise provided in this Title 4, there is hereby imposed s a Hermantown sales and use tax in the amount of one percent on the gross receipts from sales at retail which are taxable pursuant to Minnesota Statutes, Chapter 297A and occur within the City of Hermantown.

240.04.4 Application to State General Sales Tax. The tax imposed under this Article is intended to be collected for the most part on the same items as the state general sales and use tax imposed by Minnesota Statutes, Chapter 297A and consequently the application and administration of the Hermantown Sales Tax shall be construed consistent with the State general sales and use tax and the imposition of the Hermantown Sales Tax shall be construed so that any subsequent amendment to Minnesota Statutes, Chapter 297A affecting the sales or uses taxable under Chapter 297A shall also apply to Hermantown and affect in the same manner the sales taxable under this Title 4.

Provided, however, that in the event any subsequent amendment to Minnesota Statutes, Chapter 297A exempts sales or uses which were taxable under Chapter 297A on April 1, 1997, the City may by amendment hereto extend the tax imposed hereby to any such sales or uses upon compliance with and as provided by the provisions of the Act.

240.04.5 Exemptions. The following are specifically exempted from the Hermantown Sales Tax imposed this Title 4.

(a) The gross receipts from the sale of tangible personal property which the seller delivers to a common carrier for delivery outside the City, places in the United States mail or parcel post directed to a purchaser outside the City, or delivers to the purchaser outside the City by means of the seller’s own delivery vehicles, and which is not thereafter returned to a point within the City, except in the course of interstate or intrastate commerce.

(b) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the City and which are not thereafter returned to a point within the City, except in the course of interstate commerce.

(c) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the City by the purchaser for use thereafter solely outside the City. Mailing and reply envelopes and cards used exclusively in connection with the advertising and promotional materials are included in this exemption.

(d) All mobile transportation equipment and parts and accessories attached to or to be attached to such equipment acquired by a person who is engaged in interstate for-hire transportation of tangible personal property or passengers by motor vehicle. Persons referred to herein are: (1) persons possessing a certificate or permit authorizing for-hire transportation of property or passengers from the interstate commerce commission or the Minnesota public utilities commission; or (2) persons transporting commodities defined as “exempt” in for-hire transportation in interstate commerce; or (3) persons who, pursuant to contracts with person described in clauses (1) or (2) above, transport tangible personal property in interstate commerce; or (4) persons who in the course of their business are transporting solely their own goods in interstate commerce.

240.04.6 Separate Statement; Collection from Purchaser; Advertising No Tax; Minimum; Uniform Tax Collection Methods. The Hermantown Sales Tax shall be stated and charged separately from the sales price or charge for service insofar as practical and shall be a debt from the purchaser to the seller recoverable at law in the same manner as other debts.

In computing the tax to be collected as the result of any transaction amounts of tax less than one-half of one cent may be disregarded and amounts of tax one-half cent or more may be considered an additional cent. If the sale price of any sale at retail is ninety-nine cents or less, no tax shall be collected.

240.04.7 Exemption Certificates. An exemption certificate taken in good faith from a purchaser to the effect that the property purchased is for resale or that the sale is otherwise exempt from the application of the tax imposed by this Title 4 conclusively relieve the retailer from collecting and remitting the tax. A person who has obtained from the Commissioner an exemption certificate pursuant to Minnesota Statutes Section 297A.72 may use such exemption certificate for the purposes of the sales tax imposed by the City.

240.04.8 Presumption of Purposed of Sale. For the purpose of the proper administration and enforcement of this Title 4, it shall be presumed that all retail sales for delivery in the City are for storage, use, or other consumption in the City until the contrary is established.

240.04.9 Collection of Sales Tax at Time of Sale. (a) Any retailer making deliveries within the City, any retailer maintaining a place of business in the City, or any other retailer otherwise doing business within the City, upon making sales of any items described in this Title 4 which are not exempted from the sales tax imposed under this Title 4 and which are to be delivered within the City to the purchaser, shall at the time of making such sales collect the Hermantown Sales Tax from the purchaser. The tax collected by such retailer shall be remitted to the Commissioner on behalf of the City.

(b) Any retailer required to collect the Hermantown Sales Tax and remit such tax to the Commissioners pursuant to this section shall register with the Commissioner and provide such other information as the Commissioner may require.

240.04.10 Agent of Retailer. When, in the opinion of the Commissioner, it is necessary for the efficient administration of the tax, the Commissioner may regard any salesman, representative, trucker, peddler, or canvasser as the agent of the dealer, distributor, supervisor, employer, or other person under whom such salesman, representative, trucker, peddler, or canvasser operates or from whom the tangible property is being sold is obtained, and may regard the dealer, distributor, supervisor, employer, or other person as a retailer for the purposes of this Title 4.

240.04.11 Effective Date, Transitional Sales. Except as otherwise provided herein, the Hermantown Sales Tax authorized by this Title 4 shall continue to apply to sales made on or after April 1, 1997, and shall be in addition to all other taxes now in effect. The increase from one-half percent (0.5%) to one percent (1.0%) authorized by voters at the November 6, 2012 election shall take effect as soon as the Commissioner can implement such change.

The Hermantown Sales Tax shall not apply to: (a) the gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract which unconditionally vests the rights and

obligations of the parties hereto, provided that such contracts were enforceable prior to April 1, 1997, and that delivery of the tangible personal property subject thereto is made on or before April 1, 1997; (b) the gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract which unconditionally vests the rights and obligations of the parties thereto and which does not make provision for allocation of future taxes, provided that such contract was enforceable prior to April 1, 1997, and that delivery of the tangible personal property used in performing such construction contract is made before April 1, 1997; (c) payments made prior to April 1, 1997, for contracts to provide taxable services, provided that such contracts were enforceable prior to April 1, 2013; however, the Hermantown Sales Tax shall apply to payments made pursuant to such contracts to provide services on and after April 1, 1997; and (d) utility bills that include charges for service for any dated before April 1, 1997, however, the Hermantown Sales Tax shall apply to all utility bills for service provided after April 1, 1997.

240.04.12 Collection and Enforcement. The Hermantown Sales Tax imposed by the City pursuant to this Title 4 shall be subject to the same interest, penalties, and other rules as are applicable to the State general sales and use tax imposed by Minnesota Statutes, Chapters 289A and 297A. The Hermantown Sales Tax imposed by the City pursuant to this Title 4 may be collected by the State of behalf of the City as provided by an appropriate agreement with the Commissioner.

240.04.13 Tax Clearance; Issuance of Licenses. The City may not issue or renew a license for the conduct of a trade or business in the City if the Commissioner notifies the City that the applicant for such license owes delinquent Hermantown Sales Taxes as provided in this Title 4, or penalties or interest due on such taxes.

For the purpose of this Section, the following terms have the meaning given:

(a) “Hermantown Sales Taxes” include sales tax as provided in this Title 4. Penalties and interest are penalties and interest due on taxes included in this definition.

(b) “Delinquent Taxes” does not include a tax liability if (i) an administrative or court action which contests the amount of validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expire, or (iii) the applicant has entered into a payment agreement and is current with the payments.

(c) “Applicant” means an individual if the license is issued to or in the name of an individual or the corporation, partnership or other entity if the license is issued to or in the name of a corporation, partnership or other entity.

A copy of the notice of delinquent taxes given to the City shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests a hearing in writing, within 30 days of the receipt of the notice of delinquent taxes, then, a contested case hearing shall be held by the Commissioner under the same procedures as provided in Minnesota Statutes for the State Sales and Use Tax imposed under Minnesota Statutes, Chapter 297A; provided that if a hearing must be held on the State Sales and Use Tax, hearings may be combined.

240.04.14 This Ordinance amends and restates Ordinance No. 96-08 in its entirety. The provisions of Ordinance No. 96-08 shall continue in full force and effect with respect to all sales made prior to the imposition of the additional one-half percent (0.5%) sales tax authorized by voters on November 6, 2012.

(Am. Ord. 2012-10, passed 12-3-12)

Section 250 - Property

250.01 Property.

250.01.1 Statutes Adopted. This section shall be adopted pursuant to and in accordance with the authority contained in M.S. Chapter 471, as it may be amended from time to time.

250.01.2 Definitions. For purposes of this section, the following words or phrases shall have the meanings ascribed to them in this section:

250.01.2.1. "Owner" shall mean any person having a legal or equitable interest in any property affected by this section.

250.01.2.2. "Property" shall mean tangible personal property.

250.01.2.3. "Public Auction" shall mean an auction conducted at a place within the City in which bids are placed in person and awarded to the highest bidder.

250.01.2.4. "Public Electronic Auction " shall mean an auction conducted over the world wide web in which bids are placed electronically in an open and interactive environment and awarded to the highest bidder.

250.01.2.5. "Surplus Property" shall mean obsolete or unused City property.

250.01.2.6. "Chief" means the Chief of Police of the Hermantown Police Department or his or her authorized representative.

250.01.2.7. "Abandoned Vehicle" shall mean an abandoned vehicle as defined in M.S. Chapter 168B, as it may be amended from time to time.

250.01.3 Custody of Property. Whenever the City, in the course of its municipal operations, shall come into possession of property owned by another, the property shall be delivered to the Chief for safe keeping.

250.01.4 Attempt to Find Owner. Upon receipt of any such property the Chief shall make, or cause to be made, a reasonable and diligent effort to find the rightful owner of the property. If the rightful owner of the property is found the Chief shall return the property to the owner as soon as is reasonably possible under the circumstances.

(Ord. 2005-04, passed 3-7-05)

250.02 Disposal of Unclaimed Property and Abandoned Vehicles.

250.02.1 Public Auctions/Public Electronic Auction.

250.02.1.1. Except as provided in 250.02.2 through 250.02.4, if the owner of any property coming into possession of the City cannot be found within 60 days after the date the property came into possession of the City, the Chief may at any time after such 60 day time period, sell or cause to be sold, the property to the highest bidder at public auction, public electronic auction, or by sealed bids.

250.02.1.2. Notice of the time and place of the holding of any public auction or public electronic auction shall be published once a week for two consecutive weeks in the official newspaper of the City, with the time and place designated in the notice. The Chief shall conduct the auction in such manner as the Chief shall deem appropriate under the circumstances.

250.02.1.3. Notice of a sale of the property by sealed bids shall be published once a week for four consecutive weeks in the official newspaper of the City and posted in City Hall, the City Administration

Building and at such other locations as the Chief shall determine to be advisable. The notice shall contain a list of all items to be sold, the date the sealed bids shall be opened, the condition of each item, the name and address of the person to whom the bids shall be submitted and such other information as the Chief shall determine to be advisable.

250.02.2 Disposal of Property; Perishables. If any item of unclaimed property in possession of the City appears to have a value of \$5 or less, is hazardous to store, or is perishable, the Chief of Police or his or her authorized representative may sell or otherwise dispose of the property in whatever manner the Chief of Police determines reasonable and appropriate.

250.02.3 Unclaimed Handguns. Unclaimed handguns in the possession of the City shall be destroyed after the 60-day period set forth in 250.02.1.

250.02.4 Abandoned Vehicles. Abandoned vehicles shall be disposed of as provided in M.S. Chapter 168B, as it may be amended from time to time.

250.02.5 Bicycles. Bicycles may be sold by the Chief individually or in groups or lots of one or more at the discretion of the Chief. If more than one bicycle is sold in a group or lot then the sale proceeds from the sale of such lot or group shall be allocated equally to each bicycle sold in such group or lot.

250.02.6 Proceeds of Sale.

250.02.6.1. The proceeds of the sale of any item of unclaimed property or abandoned vehicles made pursuant to this section shall be first applied to the payment of all costs and charges incurred for the storage, maintenance or otherwise in connection with the unclaimed property or abandoned vehicles and then to payment of the item's proportionate share of the expenses incurred by the City in connection with the sale. For purposes of the preceding sentence, "proportionate share of expenses of sale" of each item shall be determined by dividing the sale price of each item by the total of all sales and multiplying the result by the total expense of conducting the sale. The balance of the proceeds of the sale of each item shall be deposited by the Chief with the Finance Director along with a statement containing a description of the property sold, the gross amount for which it was sold, the amount of charges incurred in connection with the property and the proportionate share of the costs of sale of the item.

250.02.6.2. The Finance Director shall maintain appropriate records reflecting the proceeds of the sale of each item. The proceeds shall be invested in whatever manner shall be determined appropriate by the City Council.

250.02.7 Claiming Proceeds; Disposition of Unclaimed Proceeds.

250.02.7.1. If the owner of any property sold pursuant to 250.02 shall furnish the Finance Director with evidence substantiating his or her claim of ownership of the property within six months after the proceeds from the sale of the property were deposited with the Finance Director, then the Finance Director shall pay to the owner the balance of the proceeds of the sale of such items of property deposited by the Chief with the Finance Director under 250.02.6.1 and shall provide the owner with a copy of the statement provided by the Chief to the Finance Director under 250.02.6.1.

250.02.7.2. If no claim is made for the proceeds of any sale of any item of property made pursuant to this section within six months after the proceeds were deposited with the Finance Director, then the proceeds shall thereupon become the property of the City to the exclusion of the owner of the property and all others.

250.02.7.3. All proceeds that become the property of the City shall be credited to the Police Program Fund of the City.

(Ord. 2005-04, passed 3-7-05)

250.03 Surplus Property.

250.03.1 Disposal of Surplus Property.

250.03.2 Public Auction/Public Electronic Auction.

250.03.2.1. The City may sell its surplus property through public auction.

250.03.2.2. The City may sell its surplus property through public electronic auctions according to M.S. § 471.345, Subd. 17, as it may be amended from time to time.

250.03.3. The City may sell its surplus property through competitive bidding according to applicable state laws.

250.03.4 Fixed Asset Policy. No surplus property of the City be disposed of except after satisfaction of the requirements of the Fixed Asset Policy of the City.

250.03.5 Proceeds of Sale.

250.03.5.1. The proceeds of the sale of any item of surplus property made pursuant to this section shall be deposited with the Finance Director.

250.03.5.2. The Finance Director shall credit any amounts deposited with him or her pursuant to 250.03.5.1 in the General Fund of the City.

(Ord. 2005-04, passed 3-7-05)

250.04 Forfeited Property. Any property coming into the possession and ownership of the City by any applicable statute allowing or requiring the forfeiture of such property to the City shall be held, managed and disposed of in accordance with the State law, rule or regulation applicable to such forfeited property.

The proceeds from the disposition of any such forfeited property shall be distributed in accordance with the State law, rule or regulation applicable to such forfeited property.

All proceeds that become the property of the City shall be credited to the forfeited property account within the Police Program Fund of the City.

(Ord. 2005-04, passed 3-7-05)

250.05 Employees and related parties prohibited from purchasing property. No employee or person providing consulting services to the City nor any mother, mother-in-law, father, father-in-law, sibling, sister-in-law, brother-in-law, descendent, grandfather, grandmother, grandfather-in-law, grandmother-in-law, spouse, person residing in the same household of any employee or any person providing consulting services for the City may directly or by any artifice, arrangement, scheme, or plan, purchase any unclaimed property, abandoned vehicles, surplus property, or forfeited property from the City.

(Am. Ord. 2005-04, passed 3-7-05)

📖 Section 260 - Emergency Management

260.01 Purpose. 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, from sabotage or hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with 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:

260.01.1. To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters;

260.01.2. To provide for the exercise of necessary powers during emergencies and disasters;

260.01.3. To provide for the rendering of mutual aid between this City and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions; and

260.01.4. To comply with the provisions of M.S. Section 12.25, as it may be amended from time to time, which require that each political subdivision of the state shall establish a local organization for emergency management.

260.02 Interpretation And Effect. All functions and 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 or she would otherwise be entitled under this chapter, the workers' compensation law, or any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

260.03 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

260.03.1. “Disaster” shall mean a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

260.03.2. “Emergency” shall mean an unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

260.03.3. “Emergency management” shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services, engineering, warning services, communications, radiological and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. “Emergency management” includes those activities sometimes referred to as “civil defense” functions.

260.03.4. “Emergency management forces” shall mean the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order

thereunder. This includes personnel from city departments, authorized volunteers and private organizations and agencies.

260.03.5. “Emergency Management Organization” shall mean the staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

260.04 Establishment of Emergency Management Organization. There is hereby created within the city government, the Emergency Management Organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed at any time. The Director shall serve with a salary and shall be paid necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

260.05 Powers And Duties of Director.

260.05.1. The Director, with the consent of the Mayor, shall represent the city on any regional or state conference for emergency management. The Director shall develop proposed 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, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the state emergency plan.

260.05.2. The Director shall make studies and surveys of the human resources, 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 or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions, subject to the approval of the Mayor.

260.05.3. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, 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 emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

260.05.4. In accordance with the state and city emergency plans, the Director shall institute training programs and public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the city emergency plan when a disaster occurs.

260.05.5. 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 city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's Emergency Management Organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of emergency activities as will involve the utilization of the facilities of the department or agency.

260.05.6. The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are

recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

260.05.7. Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. Section 12.25, as it may be amended from time to time.

260.05.8. The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

260.05.9. The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

260.06 Local Emergencies.

260.06.1. A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator.

260.06.2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter- jurisdictional disaster plans, and may authorize aid and assistance thereunder.

260.06.3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

260.07 Emergency Regulations.

260.07.1. Whenever necessary to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations consistent with applicable federal or state law or regulations 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 regulations, 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.

260.07.2. 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 Administrator. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Administrator's Office shall be conspicuously posted at the front of the City Hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

260.07.3. The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every 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 conflict exists.

260.07.4. During a declared emergency, the city is, under the provisions of M.S. Section 12.31, as it may be amended from time to time, and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these 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 calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

260.08 Participation in Labor Disputes or Politics. 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.

📖 **Section 270 - Fee Schedule**

As of January 1, 2020

DESCRIPTION	FEE
Antenna Lease (New or Amendment)	\$1,000
Assessment Searches	
- First Parcel	\$35
- Additional	\$20
AUDIO/VISUAL	
- Audio CD of Meetings	\$15
- Photo CD's	\$15
- Video Tapes/DVD's	\$15
BUILDING DEPARTMENT	
911 Signs	
Installed Signpost	\$75
Sign and Bracket Only	\$35
Appeals	
Building Code Appeals	\$250
Fire Code Appeals	\$250
Hazardous & Unsafe Structures - Fire Code	\$250
Commercial	
Permit Fees are Based On Value (See Schedule B)	
- Plan Checking Fee (% of Building Permit Fee)	65%
Demolition *- Single Family Res.	\$0
- Other	\$100
*Charge waived if issued with building permit	
Floodproofing Permit Fee	\$25
Inspect Fire sprinkler systems	\$50
Inspections after normal business hours	\$65/hr
Investigation Fee	
First Infraction - Double Permit (Min. \$200)	
Each Add'l in 12 Month -Triple Permit (min \$300)	

Residential

- Re-roofing Permit	\$30
- Re-siding Permit	\$30
- Window Replacement	\$30
- Door Replacement	\$30
- Plumbing Permit - initial	\$30
- Plus per fixture	\$5
- Mechanical Permit - initial	\$25
- Plus per fixture	\$15
- Replacement	\$25
- Detached Garage/Accessory Building (less than 1200 sq. ft.)	\$115
- Mobile/Manufactured -Home Setting Fee	\$600
- Park Dedication Fee - per bedroom	\$150
- Plan Checking Fee (% of Building Permit Fee)	65%

All Other Permit Fees are Based On Value (Schedule A)

Special Permit Fees

\$25

State Surcharge

See Schedule B

single fixed fee permit for fees under \$10,010

\$1

CEMETERY/BURIAL

- Burial	
- Non-winter weekday	\$550
- Non-winter weekend	\$750
- Winter weekday (Nov 1 - Mar 31)	\$750
- Winter weekend (Nov 1 - Mar 31)	\$1,000
- Burial of Urn	
- New Plot	\$325
- Shared Plot	\$205
- Winter - New Plot (Nov 1 - Mar 31)	\$500
- Winter - Shared Plot (Nov 1 - Mar 31)	\$410
- Weekend	\$750

CITY CLERK

BUSINESS LICENSE FEES

Adult Businesses

- Application Fee	
- New Principal License	\$3,500
- Renewal of Principal License	\$725
- New Accessory License	\$725
- Renewal of Accessory License	\$160
- License Fee	
- Principal License	\$1,425
- Accessory License	\$305

LIQUOR LICENSE FEES:

- 3.2% Malt Liquor

- On Sale	\$550
- Off Sale	\$80
- Temporary - per day	\$60
- Transfer - On Sale	\$110
- Off Sale	\$60
Charities Temporary Service Area	\$105
- Club License	
- Under 200 members	\$300
- 201-500 members	\$500
- 501-1000 members	\$650
- 1001-2000 members	\$800
- 2001-4000 members	\$1,000
- 4001-6000 members	\$2,000
- Over 6000 members	\$3,000
- Dance Permit	\$500
- Intoxicating Liquor	
- On Sale	\$3,450
- Off Sale	\$155
- Temporary - per day	\$255
- Transfer/On Sale	\$155
- /Off Sale	\$130
- Investigation Fee (Police)	\$210
Summerfest Temporary Service Area	\$250
Temporary Service Area Expansion	\$250
Deposit for Temporary Service Area Expansion	\$250
- Sunday License	\$205
- Wine	
- Only Wine	\$815
- With Hard Beer	\$1,150
- Temporary - per day	\$110
- Transfer	\$110
Other License Fees:	
Pawn Shop	\$3,750
- Transaction Fee	\$6
- \$25,000 Bond Required	
- Investigation fee with new application	\$660
Massage Establishment	\$125
Massage Therapist	\$55
- Investigation fee with new application	\$30
Tobacco License	\$335

COPIES, DOCUMENTS, FAXES, MAPS

Data Practice Request	No chg under \$5
- Color copies Additional charge per side	\$0
- Copies smaller than 11' x 17' (per copy)	\$0.25
- 2 sided copy	\$0.50
- 11 x 17 - 1st Page	\$2.00

- Add'l	\$1.00
Other Requests	
- 8 1/2 x 11 - 1st Page	\$1
- Add'l	\$0
- 8 1/2 x 14 - 1st Page	\$1.00
- Add'l	\$0
- 11 x 17 - 1st Page	\$2.00
- Add'l	\$1.00
- Larger than 11 x 17	\$10
- Photo - per page	\$4

FAXES

- Local - 1st Page	\$2.00
- Add'l	\$0
- Long Dist.- 1st Page	\$3.00
- Add'l	\$0

MAPS

- Address	\$1
- 11 x 17	\$10
- 20 x 30	\$10
- 24 x 36	\$45

OTHER FEES

Foot and Bicycle Races	\$25
Gambling Investigation Fee	\$100
Non-Sufficient Funds (NSF) Charge	\$30
Recording Fee	\$60

PARKS DEPARTMENT

Hermantown Community Park (Passive Park)

- Resident	\$25
- Non Resident	\$75

PLANNING & ZONING DEPARTMENT

Administrative Appeal	\$185
Alternative Energy Systems Permit	\$30
Christmas Tree Permit (\$25 refund after Season)	\$100
Com'I Industrial Development Permit	
- With Development Agreement*	\$665
- Without Development Agreement	\$400
- Zoning Certificate in lieu of CIDP	\$250
* Plus Professional Fees	
Dog Exception Permit	\$195
Driveway Access	
- Permit (Plus \$250 Deposit)	\$100
Erosion & Sediment Control	
- Multi-Family/Com'I/Industrial	\$250
- Single Family Residential	\$125
- Utility - Per lineal foot disturbed	\$0.125

- Minimum	\$250
Park Fee	
- per parcel created	\$1,100
- per unit (PUD)	\$1,100
- per acre (Commercial/Industrial)	\$1,100
Fence Permit	
If Building Permit Not Needed	\$30
Fireworks Permit	
- Established Retail	\$100
- Temporary Structure	\$350
Land Alternation Permits (Fill)	
- Flat Fee	\$125
- Refundable Deposit	\$500
Mobile Home Park Approval Fee *	\$445
*Plus Professional Fees	
Non-Conforming Use Permit & Fee Application	
Single Family	\$150
Commercial	\$400
Ordinance	
- Amendment	\$300
- Interpretation	\$185
Parcel Split Review Fee	
Fee per Split Reviewed	\$250
Planned Unit Development Approval*	
PUD Fee	\$665
*Plus Professional Fee	
PUD Amendment	\$350
Recording Fee	\$75
Rezoning Application Fee	\$300
Sign Permits	
- Temporary (Class G)	\$20
- Com'l (Class C-Other up to 25 ft.)	\$75
- Com'l (Class C-Other over 25 ft.)	\$110
- Com'l (Class C-Free Standing)	\$110
- Billboards (Class D)	\$500
Special Use Permit *	
- New	\$400
- Renewal	\$350
- Amendment	\$350
* Plus professional fees	
Stormwater *	
- New application	\$450
- Recording fee	\$75
* Plus professional fees	
- Concept Plan Review***	
*** Includes professional fees	
Subdivision Plan Approval	

- Preliminary	\$300
- Final	\$270
- Combined process	\$500
Vacation Fee (easement)	\$235
Variance Application Fee	\$250
Wetland Permits *	
- Deminimus Exemption	\$200
- Delineation	\$150
- No Loss Determination	\$200
- Replacement Plans	
- Individual/Single Family	\$350
- Subdivisions/Com'l/Multi Family	\$750
*Plus Professional Fees	
Wetland Impact Fee	
- per sq. ft. x mitigation ratio	\$0.15
Zoning Verification Letter	\$25
Zoning Certificate Fee	\$30
Hermantown Marketplace Zoning Certificate	\$250
Zoning Maps (GIS Maps) Plotted	
- 11 x 17	\$10
- 24 x 36	\$45
- Color map	\$30

POLICE DEPARTMENT

Animal Licenses (Dog & Cat)	\$10
Lifetime Permit	\$50
Lifetime Animal Transfer Fee	\$5
Duplicate Tag Fee	\$5
Animal Licenses at City Impound Facility	\$12
Dangerous Animal	\$500
Archery (Bow Hunting)	
-Resident Permit	\$10
-Non-Resident Permit	\$25
Fingerprinting	\$25
Police Services	
Officer for School Events Beyond Contract (per unit per hour)	\$60
Officer for Special Events (Per unit per hour)	\$75

Training Center Rental

- Resident - During Working Hours	Free once a month
Training Center Rental	
- During Working Hours (8:00 am - 4:30 pm)	\$175
- After Hours (After 4:30)	\$220
Add: Saturday Rental	\$50
Vehicle Storage/Impound (per day)	\$25

UTILITIES DEPARTMENT (WATER/SEWER)

Administrative fee in delinquent utility property tax certification	\$50	
Administrative fee in delinquent utility property tax Certification – 2 nd and ongoing years	\$75	
Assessment Construction Project Admin. Fee	3.5%	
City Contracts up to 10 yrs	8.0%	
Customers without radio read meters (monthly)	\$25	
Excavating Contractor's License	\$175	
- Permit	\$25	
Excavating Permit for Private Person	\$25	
Fats, Oil, Grease (FOG Program)		
Sewer Service Surcharge	\$50	Monthly
Late Payment Fee (penalty on current balance due)	10%	
Return Check Fee	\$30	
Unpolluted Water Surcharge (monthly)	\$100	
Water Filling Station (per 1008 gallons)	\$14	
<u>Water Rates: (per 1,000 gallons)</u>		
Residential Tier 1 (up to 2,500 gallons)	\$7.84	
Residential Tier 2 (between 2,501-4,500 gallons)	\$9.02	
Residential Tier 3 (over 4,501 gallons)	\$9.92	
<u>Multi Family</u>		
Multi-Family Tier 1 (all usage)	\$9.02	
Multi-Family Tier 2 (all usage)	\$9.02	
Multi-Family Tier 3 (all usage)	\$9.02	
<u>Commercial</u>		
Tier 1 (up to 20,000 gallons)	\$8.11	
Tier 2 (between 20,001-50,000 gallons)	\$8.53	
Tier 3 (over 50,001 gallons)	\$9.37	
<u>Irrigation</u>		
Tier 1 (all usage)	\$9.92	
Tier 1 (all usage)	\$9.92	
Tier 3 (all usage)	\$9.92	
Water testing fee - August annual bill	\$9.72	
Service charges - billed monthly		
5/8" to 1" meter	\$8.65	
1 1/4" meter	\$12.98	
1 1/2" meter	\$12.98	
2" meter	\$32.45	
3" meter	\$37.86	
4" meter	\$48.67	
6" meter	\$70.30	
On/Off Fees		
Snowbirds	\$15	
Reconnection for delinquent accounts	\$50	
Water Hookups		
Residential (includes duplex)	\$800	

Commercial	\$1,300
<u>Sewer Rates: (per 1,000 gallons)</u>	
Residential Tier 1 (all usage)	\$9.90
Multi-Family Tier 1 (all usage)	\$9.90
Commercial Tier 1 (all usage)	\$9.90
Flat Rate Tier 2 – Residential Average (2,500 gallons)	\$24.75
Flat Rate Tier 3 – Commercial Average (4,500 gallons)	\$44.55
Service charge - monthly	\$3.16
Minimum sewer charges	
Service charge	\$3.16
Sewer Hookup	
Residential (includes duplex)	\$800
Permit	\$85
Commercial	\$2,000
Permit plus \$50 per toilet - max 50 toilets	\$50
Capacity Availability Fee For Single Family (contact WLSSD for fee determination of commercial buildings)	\$940
Call for Water & Sewer Availability Charges	

Stormwater Rates:

Equivalent Rate Unit (ERU)	\$7.00/ERU
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Schedule A

Residential Building Permit Fee Schedule

Determination of Value

The City of Hermantown for purposes of establishing the valuation to be utilized in establishing the building permit fee shall use the most updated building valuation data sheets, which list Minnesota State Building Code Designation for Occupancy, Type and Cost Per Square Foot as provided by the State of Minnesota, Department of Administration, Building Codes and Standards Division. The only exceptions to these are special inspections listed in the Fee Schedule.

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 - \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00

\$2,001.00 - \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,0001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof
\$500,000.00 to \$1,000,000.00	\$2,039.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$3,539.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof

All fees shall include a surcharge of .0005 times the valuation to determine the total fee.

Schedule B

Commercial Building Permit Fee Schedule

The City of Hermantown for purposes of establishing the valuation to be utilized in establishing the building permit fee shall use the most updated building valuation data sheets, which list Minnesota State Building Code Designation for Occupancy, Type and Cost Per Square Foot as provided by the State of Minnesota, Department of Administration, Building Codes and Standards Division. The only exceptions to these are special inspections listed in the Fee Schedule.

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 - \$500.00	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 - \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,0001.00 to \$50,000.00	\$352.00 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00

\$50,001.00 to \$100,000.00	\$580.00 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,000.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof
\$500,000.00 to \$1,000,000.00	\$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,000.00 and up	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof

All fees shall include a surcharge of .0005 times the valuation to determine the total fee.

If the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000;

If the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000;

If the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and

If the valuation is greater than \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000