

TITLE III: ADMINISTRATION

Chapter

30. ADMINISTRATION AND GENERAL GOVERNMENT

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CHAPTER 30: ADMINISTRATION AND GENERAL GOVERNMENT

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ORGANIZATION AND ADMINISTRATION

§ 30.001 AUTHORITY AND PURPOSE.

Pursuant to authority granted by, and the mandate contained in, the City Charter, this chapter of the city code is enacted so as to set down for enforcement the organization of the government and good order of the city.

(2005 Code, § 2.01)

§ 30.002 COUNCIL MEETINGS.

(A) *Regular meetings.* Regular meetings of the Council shall be held in the Council Chambers at least twice a month in the evening as provided in the resolution adopting rules of order and procedures for the City Council.

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(B) *Special meetings.* Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Administrator stating the time, place, and purpose of the meeting. Notice of a special meeting shall be given by the City Administrator to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least three days prior to the time stated therein, or by personal service at least 72 hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Administrator prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time to time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

(2005 Code, § 2.02)

§ 30.003 COUNCIL PROCEDURE AT REGULAR MEETINGS.

The Council shall, at its first regular meeting in January, following the regular city election, adopt a resolution providing for Council procedure at regular and special meetings.

(2005 Code, § 2.03)

§ 30.004 CITY ADMINISTRATOR.

(A) *Position established.* The position of City Administrator is hereby established.

(B) *Appointment and terms of employment.* The City Administrator shall be appointed by the Council for an indefinite term and serve at the will and pleasure of the Council, provided that this provision shall not prohibit the Council from entering into an at will employment agreement with the City Administrator allowing for severance pay and benefits not exceeding the limits of the law.

(C) *Qualifications.* The City Administrator shall be selected solely on the basis of his or her executive and administrative qualifications with special reference both to his or her experience, formal education, as well as his or her knowledge of accepted practices pertaining to the duties of his or her office.

(D) *Duties.* The City Administrator shall be the chief administrative officer of the city and he or she shall be responsible to the Council for the proper administration of all affairs of the city and to that end shall have the power and shall be required to:

(1) Supervise the administration of all departments, offices, and divisions of the city except as otherwise provided by law. Issue any necessary administrative rules, regulations, and procedures to

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ensure the proper functioning of the city and its departments, offices, and divisions, provided the same are consistent with law, city code, and policies of the Council;

(2) Serve as Chief Personnel Officer with authority to hire, fire, promote, demote, discipline, and transfer all employees through any affected department head, provided that any final action in the hiring or termination of a department head shall require Council concurrence;

(3) Serve as Chief Financial Officer of the city with responsibilities to prepare and submit the annual budget and five-year Capital Improvement Plan consistent with long term financial plans, goals, and policies of the Council, and upon adoption by the Council, implement and enforce the same;

(4) Serve as liaison between the City Council and the community, city boards and commissions, and staff with the right to attend and participate in discussions of the Council and any board, commission, or other entity under the general authority or appointment of the Council. Represent the city at official or informal functions as necessary to advance the general policies and goals of the Council, provided that official functions shall be coordinated and not in conflict with the prerogatives of the Mayor;

(5) Serve as Director of Economic Development and Chief of Staff for the Economic Development Authority;

(6) Serve as Chief Purchasing Agent with authority to make or let all budgeted purchases and contracts when the amount thereof does not require competitive bidding under state law and in such event, he or she may adopt specifications and solicit comprehensive bids as provided by state law and then present such bids to the Council for consideration;

(7) Keep the Mayor and Council fully apprised of pertinent matters affecting the city, and any action taken thereon or recommendations for action when such matters require Council approval; and

(8) Perform such other duties and responsibilities as are delegated to him or her by law, the Charter, city code, any job description, or requested by the Council and which are not inconsistent with state law, the Charter, and city code.

(E) *Bond required.* The City Administrator shall be bonded by an individual or blanket bond in such amount and form as required by the Council, but in any event, the premium for such bond will be paid for by the city.

(F) *Compensation.* The City Administrator shall receive such compensation as the Council shall fix from time to time by resolution or motion.
(2005 Code, § 2.04)

§ 30.005 CITY CLERK.

(A) *Position established.* The position of City Clerk is hereby established.

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(B) *Duties.* The City Clerk shall have duties as delegated from time to time by the City Administrator. These duties may include, but are not limited to, the following:

(1) Represent the City Administrator as delegated, in dealing with department heads and other employees;

(2) Assist in coordination of multi-department activities, including activities during emergencies;

(3) Attend all Council meetings and other meetings as required, as an agent of the city;

(4) Prepare and distribute agendas with recordings of Council meetings; and

(5) Supervise the conduct of all elections in the city.

(2005 Code, § 2.05)

§ 30.006 CITY TREASURER.

(A) *Position established.* The position of City Treasurer is hereby established.

(B) *Duties.* The City Treasurer shall have duties as delegated from time to time by the City Administrator. These duties may include, but are not limited, the following:

(1) The recording of receipts and preparation and recording of disbursements of all city funds and proper entry thereof in required financial documents and preparation of reports from time to time, as required, showing the status of such funds;

(2) Attend all Council meetings as required; and

(3) Process all cemetery sales and record keeping.

(2005 Code, § 2.06)

§ 30.007 EXECUTION OF DOCUMENTS AND CITY SEAL.

All contracts with the city, ordinances and resolutions of the Council, and other documents shall be executed in the name of the city and signed by the Mayor and City Administrator. All contracts to which the city is a party shall be sealed with the city seal. Said seal shall be kept in the custody of the City Administrator and affixed by him or her. The official city seal shall be a circular disc having engraved thereupon "CITY OF PIPESTONE" and such other words, figures, or emblems as the Council may, by resolution, designate.

(2005 Code, § 2.07)

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§ 30.008 RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Administrator, any administrative officer, or any board or commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Administrator at least five days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he or she deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his or her own motion or the motion of the appellant, the City Administrator, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

(2005 Code, § 2.08)

§ 30.009 RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective 30 days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

(2005 Code, § 2.09)

§ 30.010 ACCOUNTS, CLAIMS, OR DEMANDS.

(A) *Generally.* Except as to an annual salary, fees of jurors, or witnesses fixed by law, or wages or salaries of employees which have been fixed on an hourly, daily, weekly, or monthly basis by the Council and which by law are authorized to be paid on a payroll basis, any account, claim, or demand against the city which can be itemized in the ordinary course of business, the Council shall not audit or allow the claim until the person claiming payment, or his or her agent, reduces it to writing, in items, and signs a declaration to the effect that such account, claim, or demand is just and correct and that no part of it has been paid.

(B) *Discretionary exception.* The Council may, in its discretion, allow a claim prepared by the City Administrator prior to such declaration by the claimant if the declaration is made on the check by which the claim is paid.

(C) *Form of declaration.* The declaration provided for in division (A) above is sufficient in the following form: "I declare under the penalties of law that this account, claim, or demand is just and correct and that no part of it has been paid. Signature of Claimant."

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(D) *Form and effect of declaration on check.* The declaration provided for in division (B) above shall be printed on the reverse side of the check, above the space for endorsement hereof by the payee, as follows: "The undersigned payee, in endorsing this check declares that the same is received in payment of a just and correct claim against the city, and that no part of it has heretofore been paid." When endorsed by the payee named in the check, such statement shall operate and shall be deemed sufficient as the required declaration of claim.

(E) *Signing checks.* All checks shall be signed by the Mayor and the City Administrator.
(2005 Code, § 2.10)

§ 30.011 FACSIMILE SIGNATURES.

The Mayor and City Administrator are hereby authorized to request a depository of city funds to honor an order for payment when such instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

(2005 Code, § 2.11)

§ 30.012 INTERIM EMERGENCY SUCCESSION.

(A) *Purpose.* Due to the existing possibility of a nuclear attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure the continuity of duly elected and lawful leadership of the city to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

(B) *Succession to local offices.* In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the city, the Mayor, Council members, and City Administrator shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

(1) By majority vote of those persons present, regardless of number, they shall elect a Chairperson and Secretary to preside and keep minutes, respectively. The City Administrator shall act as Secretary if he or she is present;

(2) They shall review and record the specific facts relating to the nuclear attack or natural disaster and injurious to persons or damage to property already done, or the imminence thereof;

(3) They may, based on such facts, declare a state of emergency;

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(4) By majority vote of those persons present, regardless of number, they shall fill all positions on the Council, (including the office of the Mayor) of those persons upon whom notice could not be served or who are unable to be present; and

(5) Such interim successor shall serve until such time as the duly elected official is again available and returns to his or her position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

(C) *Duties of the Interim Emergency Council.* The Interim Emergency Council shall exercise the powers and duties of its office, and appoint other key government officials to serve during the emergency.

(2005 Code, § 2.12)

§ 30.013 COMPENSATION OF THE MAYOR AND COUNCIL MEMBERS.

The compensation of the Mayor and Council members shall be set by ordinance from time to time. As provided by M.S. § 415.11, as it may be amended from time to time, no future change in salary shall take effect until after the next succeeding municipal election.

(2005 Code, § 2.13) (Ord. 104, passed 6-4-2018)

§ 30.014 OFFICIAL BONDS.

A blanket-type bond shall cover all officers and employees of the city.

(2005 Code, § 2.14)

§ 30.015 PERSONNEL RULES AND REGULATIONS.

Personnel rules, regulations, and policies shall be set down in writing and adopted by resolution of the Council. Thereafter any amendments shall be by resolution of the Council. After adoption, the original policies and any amendments shall be distributed to all city employees.

(2005 Code, § 2.15)

§ 30.016 WORKER'S COMPENSATION.

All officers of the city elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall not be included in the coverage of the state's Worker's Compensation Act, pursuant to M.S. § 176.011, Subd. 9, Clause 6, as it may be amended from time to time.

(2005 Code, § 2.16)

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§ 30.017 ISSUANCE OF CITATIONS.

(A) Except as otherwise provided by statute, only a peace officer and part-time peace officer may:

(1) Ask a person receiving a citation to give a written promise to appear in court; or

(2) Take a person into custody as permitted by M.S. § 629.34, as may be amended from time to time.

(B) The following city individuals may issue citations in lieu of arrest or continued detention for violation of the city code. Areas of jurisdiction will be contained in city policy as set forth in resolution form by the Council:

(1) Peace officers and part-time peace officers;

(2) Building and Zoning Administrator or his or her designated agent;

(3) Recreation Director;

(4) Public Works Director; and

(5) Fire Inspector.

(2005 Code, § 2.17)

DEPARTMENTS AND COMMISSIONS

§ 30.030 DEPARTMENTS GENERALLY.

(A) *Control and assignments.* All departments of the city are under the immediate supervision and control of the Council or such authority as may be designated by it. The Council may assign the duties of one or more departments to staff members as it deems appropriate.

(B) *Appointments.* All department heads shall be appointed by the Council. All appointments shall be for an indefinite term.

(C) *Budgetary information.* The heads of all departments shall, prior to August 1 in each year, file with the City Administrator the projected financial needs of his or her department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the City Administrator.

(2005 Code, § 2.30)

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§ 30.031 FIRE DEPARTMENT.

(A) *Department established.* A Fire Department is hereby established. The size and composition (including, but not limited to, a determination as to permanent and volunteer members) shall be established by resolution of the Council, which may be changed from time to time by a subsequent resolution. The Council shall also establish, and from time to time revise and amend, written rules and regulations of the Department including, but not limited to, its internal structure organization and compensation, a copy of which shall be distributed to each of its members whenever established, revised, or amended. The Chief of the Fire Department shall have general supervision of the Fire Department and the custody of all property used and maintained for the purposes of said department. He or she shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and ordinances of the city relative to a Fire Department and to prevention and extinguishment of fires are duly observed. He or she shall supervise the preservation of all property endangered by fire and shall control and direct all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all powers, perform all duties, and be subject to all the responsibilities of the Chief. It is the duty of the Chief of the Fire Department on or before the second regular business day in each month, to file with the City Administrator a report as to all fires occurring during the previous month stating the probable cause thereof and estimated damages; such reports shall also state the other activities of the department. The Chief of the Fire Department shall also make and file such other reports as may be requested by the Council or the City Administrator.

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

ALARM SYSTEM. Any assembly of equipment or devices, either mechanically or electronically operated, which signals either audibly or in any other manner so as to be seen, heard, or otherwise detected outside the protected area for the purpose of summoning a response by public safety personnel.

ALARM USERS. A person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, residence, structure, vehicle, or facility where an alarm system is maintained.

FALSE ALARM. An alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or the inadvertence of the alarm user, or employees or agents of the alarm user. A **FALSE ALARM** does not include an alarm caused by climatic condition or utility line mishaps or other conditions determined to be beyond the control of the alarm manufacturer, installer, or user.

FIRE DEPARTMENT RESPONSE. Whenever the Fire Department arrives at a location of the false alarm in response to it.

(C) *Service fee for false alarms.* Any alarm under whose alarm system reports more than three false alarms, as defined above, in a calendar year which result in Fire Department response, shall pay a

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service fee, as determined by the Council, for the fourth and each subsequent false alarm. Notice of false alarm charges shall be sent to the user of the alarm system and the owner of the property where the system is installed, if different from the user. Payment of such charges shall be made to the city within 30 days of the date of notice. Unpaid charges shall be annually certified to the County Auditor and shall be collected in the same manner as special assessments against the property. No licenses, permits, or other city approval shall be granted to any person, firm, or company with unpaid false alarm charges. (2005 Code, § 2.31)

§ 30.032 LEGAL DEPARTMENT.

A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him or her by law or referred to him or her by the Council. It shall be the official duty of the City Attorney to act as “reviser of ordinances”. It shall also be the official duty of the City Attorney to approve all bonds in favor of the city. (2005 Code, § 2.32)

§ 30.033 BUILDING AND ZONING DEPARTMENT.

A Building and Zoning Department is hereby established. The services of a Building Official Inspector (referred to in the State Building Code as the “Administrative Authority”) and administration of the land use regulations and subdivision regulations may be contracted for. (2005 Code, § 2.33)

§ 30.034 PUBLIC WORKS DEPARTMENT.

A Public Works Department is hereby established. The head of this Department shall be the Public Works Director. The city water and sewerage systems, streets and cemetery maintenance, and refuse collection shall be under his or her direct supervision. (2005 Code, § 2.34)

§ 30.035 ASSESSMENT DEPARTMENT.

An Assessment Department is hereby established. The head of this Department shall be the City Assessor. The duties of the City Assessor may, at the option of the Council, be combined with those of the Building and Zoning Administrator, or both. The duties of the City Assessor may be contracted for. (2005 Code, § 2.35)

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§ 30.036 AIRPORT DEPARTMENT.

An Airport Department is hereby established. The head of this Department shall be responsible for the airport and the duties of the department head may be contracted for.
(2005 Code, § 2.36)

§ 30.037 PARK AND RECREATION DEPARTMENT.

A Park and Recreation Department is hereby established. The head of this Department shall be responsible for the park and recreation activities of the city and the duties of the department head may be contracted for.
(2005 Code, § 2.38)

§ 30.038 BOARDS AND COMMISSIONS GENERALLY.

(A) All board and commission appointments authorized by ordinance or resolution shall be made by the Mayor subject to confirmation by the Council at a regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his or her appointment, and terms of present board and commission members may be re-established and changed so as to give effect to this section. New appointees shall assume office immediately. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed board or commission member shall be an employee of the city. The City Administrator shall be an ex officio member of all boards and commissions, but he or she shall not have a vote. All board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when such expenses have been authorized by the Council before they were incurred.

(B) The Chairperson and Secretary of each board and commission shall be elected from and by the membership at its first regular meeting, to serve for the ensuing year, provided that no Chairperson shall be elected who has not completed at least one year as a member of the board or commission. Unexcused absence from three consecutive board or commission meetings (whether regular or special) held at least 20 days apart shall cause a vacancy in the position held by a member, and the Council shall forthwith appoint a replacement to fill such vacancy. Excuses can only be granted by the Council for serious illness of the member, or a member of his or her family, or some equally valid reason.

(C) Any board or commission member may be removed by the Council for misfeasance, malfeasance, or non-feasance in office and his or her position shall be filled as any other vacancy. Each board and commission shall hold its regular meeting at a time established by it and approved by the Council. Boards and commissions created by resolution shall terminate when the purpose for which they were created has been accomplished or upon the expiration of the term stated in the resolution. All appointees to boards and commissions shall hold office until their successors are appointed and qualified. Except as otherwise provided by another section of the city code, the provisions of this section shall apply to all boards and commissions. For the purpose of notification to the public, the City Administrator

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shall be notified of all meetings at least two days in advance. The provisions of the Government Data Practices Act, M.S. Ch. 13, the Open Meeting Law, M.S. Chapter 13D, and the laws relating to gifts to local officials, M.S. § 471.895, as these laws may be amended from time to time, apply to the boards and commissions and all of their members.
(2005 Code, § 2.50)

§ 30.039 PLANNING COMMISSION.

(A) *Establishment and composition.* A Planning Commission is hereby established. The Commission shall be composed of five members appointed for one-year terms.

(B) *Powers and duties.* The Planning Commission shall have all of the powers and duties defined or granted in the statutes and the city code relating to planning, zoning, and subdivision, shall act in an advisory capacity to the Council in all of such areas, and shall, at least annually, review the zoning provisions of the city code and hold at least one public hearing on proposed amendments or changes.
(2005 Code, § 2.51)

§ 30.040 AIRPORT COMMISSION.

(A) *Establishment and composition.* An Airport Commission is hereby established. The Commission shall be composed of six members appointed for one-year terms.

(B) *Powers and duties.* The Airport Commission shall act in an advisory capacity to the Council in all matters concerning the airport.
(2005 Code, § 2.52)

§ 30.041 BOARD OF ZONING ADJUSTMENTS AND APPEALS.

(A) *Establishment and composition.* A Board of Zoning Adjustments and Appeals is hereby established. The Board shall be composed of three members consisting of one member of the Planning Commission, one member at large, and one member of the City Council. The Building and Zoning Administrator shall be an ex officio member and shall act as Secretary of such Board but shall have no vote on any matter before the Board. The Board of Zoning Appeals and Adjustments shall be appointed by the Council and shall hold such office at the pleasure of the Council.

(B) *Powers and duties.* The powers and duties of the Board shall be such as are prescribed by statute and the city code.
(2005 Code, § 2.53)

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§ 30.042 LAW ENFORCEMENT LIAISON COMMITTEE.

(A) *Establishment and composition.* The establishment of a Law Enforcement Liaison Committee, composed of three members, is hereby ratified. Its members shall serve three-year staggered terms. Appointments to the Committee shall be made by the Council at its first meeting in January of each calendar year.

(B) *Statute adopted.* The adoption by reference of M.S. §§ 419.01 to 419.181 as may be amended from time to time.

(C) *Duties and responsibilities.* The Commission shall continue to have authority to administer its activities with all of the powers and duties set forth in the statutory sections cited herein. (2005 Code, § 2.54)

§ 30.043 COMMUNITY EDUCATION/ACTIVE LIVING COMMISSION.

(A) *Commission established.* A Community Education/Active Living Commission, which shall serve in an advisory capacity to the Council, shall be established. The Commission shall be composed of five members. The Mayor, with the approval of the Council, shall appoint two members. The School Board shall appoint two members. The fifth member shall be appointed by the Mayor with the approval of the Council and the School Board. Commission members shall be residents of the city or school district. Members shall serve one-year terms.

(B) *Officers, meetings, and remuneration.*

(1) The Commission shall annually elect a Chairperson, a Vice-Chairperson, and a Secretary.

(2) The Commission shall conduct monthly meetings with a regular meeting date to be established by the Commission members. Additional special meetings may be called by the Chairperson at the request of any two members of the Commission.

(3) All Commission members shall serve without remuneration.

(C) *Power and duties.*

(1) The Commission will determine and recommend to the Council the general policies and procedures to be followed by the Community Education/Active Living Coordinator.

(2) The Commission shall have the authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications and grant funds to be made to the city for the purpose of promoting active and healthy living activities in the community.

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(3) The Commission shall receive recommendations and complaints from the public on operation of programs and recommend changes as needed.
(2005 Code, § 2.56)

§ 30.044 PARK AND RECREATION COMMISSION.

(A) *Establishment and composition.* A Park and Recreation Commission, which shall serve in an advisory capacity to the Council, is hereby established. The Commission shall be composed of five members appointed for one-year terms.

(B) *Officers, meetings, and remuneration.*

(1) The Commission shall annually elect a Chairperson, a Vice-Chairperson, and a Secretary.

(2) The Commission shall conduct monthly meetings the first Wednesday of each month. Additional special meetings may be called by the Chairperson at the request of any two members of the Commission.

(3) All Commission members shall serve without remuneration.

(C) *Powers and duties.*

(1) The Commission will determine and recommend to the Council the general policies and procedures to be followed by the Park and Recreation Department. These policies will apply to the parks, the Ewert Community Recreation Center, Family Aquatic Facility, and all recreation programs run by the Department.

(2) The Commission shall review and recommend to the Council a budget for the Park and Recreation Department.

(3) The Commission shall establish and maintain a five year capital improvement program for the parks and recreation facilities.

(4) The Commission shall have the authority to solicit gifts and contributions to be made to the city and to assist in the preparation of applications and grant funds to be made to the city for the purpose of recreation facility development.

(5) The Commission shall review quarterly financial reports and program sheets to be prepared by the department head.

(6) The Commission shall receive recommendations and complaints from the public on operation of programs and facilities and recommend changes as needed.

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(7) The Commission shall make a request to the United Fund on an annual basis.
(2005 Code, § 2.27)

§ 30.045 PAGEANT GROUNDS PARK COMMISSION.

(A) *Establishment and composition.* A Pageant Grounds Park Commission, which shall serve in an advisory capacity to the Council, is hereby established. The Commission shall be composed of seven members appointed for one-year terms. The initial Commission shall include three current or past members of the Hiawatha Club.

(B) *Officers, meetings, and remuneration.*

(1) The Commission shall annually elect a Chairperson, Vice-Chairperson, and a Secretary.

(2) The Commission shall conduct quarterly meetings the first Wednesday of each month. Additional special meetings may be called by the Chairperson at the request of any two members of the Commission.

(3) All Commission members shall serve without remuneration.

(C) *Powers and duties.*

(1) The Commission will determine and recommend to the Council the general policies and procedures to be followed regarding the pageant grounds.

(2) The Commission shall review and recommend to the Council possible improvements to and uses of the Pageant Grounds Park.

(3) The Commission shall have the authority to solicit gifts and contributions to be made to the city to be used for the benefit of the Pageant Grounds Park.

(4) The Commission shall receive recommendations and complaints from the public on operation of the Pageant Grounds Park. The Commission shall communicate those comments to the Council.

(2005 Code, § 2.58)

§ 30.046 WOODLAWN TREE BOARD COMMISSION.

(A) *Establishment and composition.* A Community Improvement Commission is hereby established. The Commission shall be composed of at least seven members appointed for a one-year term.

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(B) Officers; meetings; remuneration.

(1) The Commission shall annually elect a Chairperson, a Vice-Chairperson and a Secretary.

(2) The Commission shall conduct a minimum of quarterly meetings with a regular meeting date and time to be established by the Commission members. Additional special meetings may be called by the Chairperson at the request of any two members of the Commission.

(3) All Commission members shall serve without remuneration.

(C) Powers and duties.

(1) The Community Improvement Commission shall act in an advisory capacity to the Council in all matters concerning the cemetery, tree planting and removal, public right-of-way flower boxes, and visual arts.

(2) The Commission shall review and recommend to the Council a budget for the operation and maintenance of the cemetery, public right-of-way boxes, and public visual arts.

(3) The Commission shall establish and maintain a five-year capital improvement program for the operation and maintenance of the cemetery and public visual arts.

(4) The Commission shall have the authority to solicit gifts and contributions to be made to the city for the Woodlawn Cemetery Perpetual Care Fund, flower planting, tree planting, public right-of-way flower boxes, and public visual arts.

(5) The Commission shall receive recommendations and complaints from the public on the operation of the cemetery, public right-of-way flower boxes and public visual arts projects and community them to the Council.

(6) It shall be the responsibility of the Commission to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan shall be presented to the Council and following approval by the Council shall constitute the official comprehensive City Tree Plan for the city. The Commission, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(7) It shall be the responsibility of the Commission to establish a process and procedures for the submission of proposed public visual arts projects. The Commission shall establish and administer a method to evaluate proposed public visual arts projects for recommendation for approval or disapproval by the Council. A goal of the Commission shall be to support and encourage artistic development and civic participation in underserved and underrepresented segments of the community and to promote cross-cultural exchange and dialogue. The Commission shall act as a liaison between the public and the Council concerning all public visual arts sponsored by the city.

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(D) *Quorum*. A majority of the members shall constitute a quorum for the transaction of any business. Nothing in this section shall be deemed to conflict with M.S. §§ 412.501 through 412.531, Municipal Park Board, as may be amended from time to time. (2005 Code, § 2.59) (Ord. 115, passed 12-16-2019)

§ 30.047 PUBLIC ACCESS ADVISORY COMMITTEE.

(A) *Establishment and composition*. A Cable Access Advisory Committee is hereby established. The Committee shall be composed of five members, appointed for one-year terms.

(B) *Officers, meetings, and remuneration*.

(1) The Committee shall annually elect a Chairperson, a Vice-Chairperson, and a Secretary.

(2) The Committee shall meet on an as needed basis. Additional special meetings may be called by the Chairperson at the request of any two members of the Committee. Minutes shall be taken at every meeting.

(3) All Committee members shall serve without remuneration.

(C) *Powers and duties*.

(1) The Committee will determine and recommend to the Council the general policies and procedures to be followed by the Cable Access Coordinator, Committee members, and volunteers.

(2) The Committee shall determine and recommend to the Council the equipment necessary for the production of public access programming.

(3) The Committee shall have the authority to solicit gifts, contributions, and membership fees to be made to the city for the purpose of providing funding for public access programming.

(4) The Committee shall receive recommendations and complaints from the public on the operation of the public access channel and recommend changes to the Council as needed.

(5) The Committee shall be responsible for promoting the public access channel as an asset to the community and its organizations and to develop participation in the public access system by as many people and organizations as possible. (2005 Code, § 2.60)

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§ 30.048 JOINT CITY/SCHOOL PUBLIC LIBRARY.

(A) The city hereby establishes a public library pursuant to M.S. §§ 134.07 and 134.08, as may be amended from time to time.

(B) The city and Independent School District 2689 shall jointly finance and operate a public library for the use and benefit of the public and the School District pursuant to M.S. § 134.195, Subd. 1 and Subd. 8, as may be amended from time to time.
(2005 Code, § 2.61)

§ 30.049 JOINT LIBRARY BOARD.

(A) *Establishment and composition.* The Public Library Board shall be composed of five members. The Mayor with the approval of the Council shall appoint one city resident and one member of the Council. The School Board shall appoint one school district resident and one member of the School Board. The fifth member shall be appointed by the Mayor with the approval of the Council and the School Board. Board members shall be residents of the city or the School District.

(B) *Officers, terms, meetings, and remuneration.*

(1) The Public Library Board shall annually elect a President, Vice-President, and a Secretary.

(2) The Public Library Board shall adopt by-laws and regulations for the government of the library pursuant to M.S. § 134.11, Subd. 2, as may be amended from time to time. The Public Library Board shall conduct monthly meetings with a regular meeting time to be established by the Board members. Additional special meetings may be called by the President at the request of any two members of the Board.

(3) All Board members shall serve without remuneration.

(4) Appointed members to the Public Library Board shall serve a term of three years. Initially, two shall hold office for one year, two for two years, and one for three years; a Library Board member shall not be eligible to serve more than three consecutive three-year terms.

(C) *Powers and duties.*

(1) The Public Library shall have all the powers and duties specified by the terms of M.S. § 134.11, Subd. 2, as may be amended from time to time.

(2) The Public Library Board shall prepare and recommend to the Council and the School Board the amount of funding for the public library.

(3) The Public Library Board shall review and give its approval of the expenditures for the operation of the Public Library.

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(4) The Public Library Board shall receive recommendations and complaints from the public on the operation of the library.

(5) The Public Library Board shall be governed by the terms of M.S. Chapter 134, as it may be amended from time to time.

(6) The Public Library Board may contract with the School District, the Regional Library Board, or the city to provide personnel, fiscal, or administrative services pursuant to M.S. § 134.195, Subd. 9, as may be amended from time to time. The contract shall be in writing and the terms must be agreed upon by the Library Board and the contracting party.
(2005 Code, § 2.62)

§ 30.050 HOUSING ADVISORY AND APPEALS BOARD.

(A) *Establishment and composition.* A Housing Advisory and Appeals Board is hereby established. The Planning Commission shall serve as the Housing Advisory and Appeals Board. The Building Official shall be an ex officio member and shall act as Secretary of the Board.

(B) *Powers and duties.* The Board shall have all of the powers and duties as set forth in the Uniform Housing Code.
(2005 Code, § 2.63)

§ 30.051 MUNICIPAL CEMETERY.

The Council may, by ordinance, establish all future rates, rules, and regulations for municipal cemeteries which shall be kept on file in the office of the City Administrator and uniformly enforced.
(2005 Code, § 2.64)

§ 30.052 DISPOSAL OF EXCESS PROPERTY.

(A) *Declaration of surplus and authorizing sale of property.* The City Administrator may, from time to time, recommend to the Council that certain personnel property (chattels) owned by the city is no longer needed for a municipal purpose and should be sold. By action of the Council, said property shall be declared surplus, the value estimated, and the City Administrator authorized to dispose of said property in the manner stated herein.

(B) *Surplus property with a total estimated value of less than \$1,000.* The City Administrator may sell surplus property with a total value of less than \$1,000 through negotiated sale.

(C) *Surplus property with a total estimated value over \$1,000.* The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$1,000. Notice of such public sale shall be given stating time and place of sale and generally describing the property to

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be sold at least ten days prior to the date of sale either by publication once in the official newspaper, and by posting in a conspicuous place in the City Hall.

(D) *Receipts from sales of surplus property.* All receipts from sales of surplus property under this section shall be placed in the fund of original purchase. If fund ownership cannot be established, the receipts shall be placed in the General Fund.

(E) *Persons who may not purchase; exception.*

(1) No employee of the city who is a member of the administrative staff, department head, a member of the Council, or an advisor serving the city in a professional capacity, may be a purchaser of property under this section. Other city employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.

(2) It is unlawful for any person to be a purchaser of property under this section if such purchase is prohibited by the terms of this section.
(2005 Code, § 2.65) Penalty, see § 30.999

§ 30.053 THE BUDGET AND CAPITAL IMPROVEMENTS PROGRAM.

It is the responsibility of the City Administrator to prepare the Budget and Capital Improvements Program and follow them through amendments to final adoption by the Council in accordance with provisions of the Charter, the city code, and the state law.
(2005 Code, § 2.90)

HERITAGE PRESERVATION REGULATIONS

§ 30.065 GENERAL PROVISIONS.

(A) *Title.* This subchapter shall be known and may be cited as the Heritage Preservation Regulations of the city.

(B) *Authority.* This section is enacted pursuant to the authority granted to the municipality by M.S. §§ 138.71 through 138.75, as may be amended from time to time, the state's Historic District Act of 1971, and M.S. § 471.193, Municipal Heritage Preservation, as may be amended from time to time.

(C) *Purpose.* This section is adopted to promote the recognition, preservation, protection, and reuse of landmarks, historic districts, and historic resources; to promote the economic growth and general welfare of the city through increased tourism; to further educational and cultural enhancement; to implement the policies of the comprehensive plan, and to provide for the administration of this title

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including the powers and duties of officials and bodies charged with such administration, the standards for required approvals, and the procedures for its enforcement.

(D) *Scope of regulations.*

(1) *In general.* All landmarks and historic districts, all nominated properties under interim protection, and all historic resources shall be subject to all applicable requirements of this section.

(2) *Emergency exception.* Nothing in this section shall prevent the emergency alteration or other modification necessary to correct the unsafe or dangerous condition of any structure or other feature. The Building and Zoning Administrator shall report to the Commission not less than once per month all emergency alterations or other modifications certified to the Building and Zoning Administrator in the preceding month, the reasons for such emergency, and the nature and extent of the alteration or modification performed.

(E) *Existing landmarks and historic districts.* All landmarks, historic districts, and design guidelines existing on the effective date of this section shall remain in effect upon adoption of the section.

(F) *Period of decision.* No approval granted pursuant to this section, except designations, shall be valid for a period longer than one year from the date of such decision unless the required permit is obtained within such period and the action approved is substantially begun and proceeds on a continuous basis toward completion, or the use is established within such period by actual operation pursuant to the applicable conditions and requirements of such approval. The Building and Zoning Administrator, upon written request, may for good cause shown grant up to a one year extension to this time limit.

(G) *Plan consistency.* The city shall withhold any building permit, demolition permit, or other approval required for a use if the proposal is inconsistent with the final approval granted pursuant to this section.

(H) *Compliance with conditions of approval.*

(1) *In general.* All approvals made pursuant to this section remain in effect as long as all of the conditions and guarantees of such approval are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this section and may result in termination of the approval.

(2) *Compliance with other regulations.* All approvals made pursuant to this section shall be subject to all other applicable city, local, regional, state, and federal regulations.

(I) *Definitions.* Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purpose of this chapter, have the meanings indicated. All words and phrases not defined shall have their common meaning.

ALTERATION. Any construction, addition, demolition, relocation, or material change affecting the exterior of a landmark, property in an historic district or nominated property under interim

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protection, or the designated or nominated interior of any building, that the Building and Zoning Administrator has determined is not a minor alteration. Examples may include, but are not limited to, the following:

- (a) Destruction of any structure, in whole or in part;
- (b) Addition to a structure or moving the location of a structure;
- (c) Addition of a structure;
- (d) Changes to or replacement of architectural details or visual characteristics such as doors, door frames and openings, windows, window frames and openings, siding, shutters, railings, walls, steps, porches, balconies, or other ornamentation;
- (e) Changes to surface materials, color, and texture, including painting an unpainted masonry surface such as brick, concrete, stone, or stucco, or sandblasting or other abrasive cleaning of a masonry surface;
- (f) Changes to or replacement of roofing materials;
- (g) Addition or removal of signs and awnings, or changes to or replacement of existing signs and awnings;
- (h) Changes to or replacement of landscaping or natural features that are inconsistent with the historic qualities of the property; and
- (i) Disturbance of archaeological sites or areas.

BUILDING AND ZONING ADMINISTRATOR. This Administrator of the City of Pipestone Building and Zoning Department.

CITY COUNCIL. The Council of the City of Pipestone.

COMMISSION. The Heritage Preservation Commission of the City of Pipestone.

DESIGN GUIDELINES. Specific design criteria adopted by the City Council from the Secretary of Interior Standards for Rehabilitation for landmarks and historic districts, to be used in reviewing applications.

DESIGNATION STUDY. A study and report prepared to document the historical, cultural, architectural, archaeological, or engineering significance of a property.

HISTORIC DISTRICT. All property within a defined area designated as a historic district by the City Council because of the historical, cultural, architectural, archaeological, or engineering significance of the district, or designated as a historic district by state law.

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HISTORIC RESOURCE. A property that is believed to have historical, cultural, architectural, archaeological, or engineering significance and to meet at least one of the criteria for designation as a landmark or historic district as provided in this section.

HISTORIC VARIANCE. Departure from the literal requirements of the zoning regulations governing a landmark or property in a historic district where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site.

INTEGRITY. The authenticity of a landmark, historic district, nominated property under interim protection, or historic resource evidenced by its location, design, setting, materials, workmanship, feeling, or association.

INTERIM PROTECTION. Protection from destruction or alteration given to a nominated property following the Commission's decision to commence a designation study.

LANDMARK. Any property, or any interior of a building, designated as a landmark by the City Council because of its historical, cultural, architectural, archaeological, or engineering significance.

MINOR ALTERATION. An alteration that the Building and Zoning Administrator has determined does not affect the integrity of a landmark, historic district, or nominated property under interim protection. Examples may include, but are not limited to, changes that the Building and Zoning Administrator has determined are not significant, and changes that reproduce the existing design and that are executed with the same type of materials and methods as existing if available, or with visually similar materials if the original materials are not available.

NOMINATED PROPERTY. A property that has been nominated for designation as a landmark or historic district, pursuant to the requirements of this section.

PROPERTY. Any land, building, structure or object, surface or subsurface area, or natural or landscape feature.

RECEIVING SITE. The zoning lot on which transferred floor area is to be developed, pursuant to the requirements of this section.

SENDING SITE. The zoning lot containing a landmark or located within a historic district, and from which undeveloped floor area is to be transferred, pursuant to the requirements of this section.

STRUCTURE. Anything constructed or erected with a more or less fixed location on or in the ground or in or over a body of water. A ***STRUCTURE*** shall include, but not limited to, buildings, fences, walls, signs, canopies, decks, patios, antennas, piers, bridges, docks, and any objects or things permanently attached to the structure.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION. The most recent standards for rehabilitating historic buildings established by the National Park Service, United States Department of the Interior.

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TRANSFER OF DEVELOPMENT RIGHTS. The conveyance of undeveloped floor area from one zoning lot to another zoning lot, pursuant to the requirements of this section. (2005 Code, § 2.55)

§ 30.066 DUTIES OF DECISION MAKING BODIES AND OFFICIALS.

(A) *Heritage Preservation Commission.*

(1) *Establishment.* The Heritage Preservation Commission is established pursuant to the authority granted by M.S. §§ 138.71 through 138.75, as may be amended from time to time, the state's Historic District Act of 1971, and M.S. § 471.193, Municipal Heritage Preservation, as may be amended from time to time. The Commission shall perform its duties and exercise its powers as provided therein.

(2) *Jurisdiction and authority.* The Commission shall have the following powers and duties in connection with the administration of this section:

- (a) To interpret and administer the provisions of this section;
- (b) To adopt and administer rules and regulations relating to the administration of this section;
- (c) To direct the commencement of designation studies, as authorized by this section;
- (d) To hear and make recommendations to the City Council on the proposed designation of landmarks and historic districts;
- (e) To hear and decide applications for demolition of historic resources;
- (f) To hear and decide appeals from decisions of the Building and Zoning Administrator or other official, as authorized by this section;
- (g) To hear and make recommendations to the City Council on proposed historic variances;
- (h) To hear and make recommendations to the City Council on proposed transfers of development rights;
- (i) To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary;
- (j) To review and make recommendations to the City Council on proposed amendments to the zoning code;
- (k) To make recommendations to the city code on proposed amendments to this section;

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(l) To inform and educate the citizens of the city concerning the historical, cultural, architectural, archaeological, or engineering heritage of the city;

(m) To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts, and historic resources;

(n) To make recommendations to the City Council that designated properties or historic resources be acquired by purchase, gift, or by eminent domain; and

(o) To take such other actions as are reasonable and necessary for the administration and enforcement of this section.

(3) *Establishment and composition.* A Heritage Preservation Commission is hereby established. The Commission shall be composed of five members appointed by the City Council for one year terms. At least one of the members shall concurrently be a representative of the County Historical Society, and the remaining members shall be drawn from persons with demonstrated interest and/or expertise in historic preservation. By nature of his or her position, the Chairperson of the Planning Commission and an Council member designated by the Mayor shall be ex officio non-voting members of the Commission, but their membership shall not be counted in the number of members stated.

(B) *Building and Zoning Administrator.* The Building and Zoning Administrator shall assist the Commission in discharging its duties and shall have the following powers and duties in connection with the administration of this section: to receive, review, and process all complete applications for approvals, as provided in this section.

(C) *City Council.* The City Council shall have the following powers and duties in connection with administration of this section:

(1) To initiate and adopt amendments to this section;

(2) To hear and decide appeals from decisions of the Heritage Preservation Commission, as authorized by this section;

(3) To designate landmarks and historic districts, as authorized by this section;

(4) To approve historic variances, as authorized by this section;

(5) To approve the transfer of development rights, as authorized by this section;

(6) To appoint Heritage Preservation Commission members;

(7) To adopt the Secretary of Interior Standards for Rehabilitation for landmarks and historic districts; and

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(8) To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this section.
(2005 Code, § 2.55)

§ 30.067 GENERAL APPLICATION PROCEDURES.

(A) *In general.* All applications for the Historic District and all other designated historic sites shall be presented to the Building and Zoning Administrator. He or she will then determine if the application needs to be presented to the Heritage Preservation Commission. Applications requesting painting the same color, window repair, and other minor repair that does not alter the facade does not need to come before the Heritage Preservation Commission. All applications requesting any change to the facade of the structure, paint color change, all new signage, and any changes to signs must come before the Heritage Preservation Commission. It is requested that a representative of the building owner submitting the application be present at the Commission meeting.

(B) *Determination of completeness of application.* The Building and Zoning Administrator shall review all applications and determine whether such applications are to be approved by the Building and Zoning Administrator or recommended to the Heritage Preservation Commission. An application shall not be accepted as complete until the applicant has complied with all of the requirements set forth in the application form, including the submission of all required supporting information.

(C) *Public hearings.*

(1) *Notice.* For all applications requiring a public hearing as set forth in this chapter, except appeals of decisions of the Heritage Preservation Commission, notice of the public hearing shall be given in the following manner. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

(a) *Newspaper of general circulation.* The Building and Zoning Administrator shall publish notice of the time, place, and purpose of the public hearing at least once, not less than ten calendar days before the hearing, in a newspaper of general circulation.

(b) *Affected property owners.* The Building and Zoning Administrator shall mail notice to all owners of record of property located in whole or in part within 350 feet of the boundaries of the subject property not less than ten calendar days before the hearing.

(2) *Procedures.* All hearings shall be open to the public. Any person may appear and testify at a hearing either in person or by duly appointed agent or attorney. The chair or acting chair may administer oaths. The concurring vote of the majority of the members of the Commission at the meeting shall constitute final action of the Commission on any matter before it. Upon the conclusion of the testimony in each hearing, the Commission shall announce its decision or recommendation, or shall lay

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the matter over to a subsequent meeting. The Commission shall keep minutes of its public hearings and shall also keep records of its official actions. Decisions of the Commission shall be filed in the office of the Building and Zoning Administrator.

(2005 Code, § 2.55)

§ 30.068 APPEALS.

(A) *Appeals and decisions of the Building and Zoning Administrator.* All findings and decisions of the Building and Zoning Administrator shall be final, subject to appeal to the Heritage Preservation Commission, except that appeal of a decision of the Building and Zoning Administrator involving a violation of the city code, Building Code, or Housing Code, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the Building and Zoning Administrator on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information, as specified in this section. All appeals shall be filed within ten calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the Building and Zoning Administrator certifies to the Commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The Commission shall hold a public hearing on each complete application for an appeal as provided in this section. All findings and decisions of the Commission concerning appeals shall be final, subject to appeal to the City Council as specified in this section.

(B) *Appeals of decisions of the Heritage Preservation Commission.* All decisions of the Heritage Preservation Commission, except decisions to commence designation studies, designations, historic variances, and transfers of developmental rights, shall be final subject to appeal to the City Council and the right of subsequent judicial review.

(2005 Code, § 2.55)

§ 30.069 HISTORIC DESIGNATION.

(A) *Purpose.* This section is established to promote the preservation of historic resources by providing the Commission with authority to recommend the designation of landmarks and historic districts and to adopt design guidelines for designated properties.

(B) *Designation criteria.* The following criteria shall be considered in determining whether a property is worthy of designation as a landmark or historic district because of its historical, cultural, architectural, archaeological, or engineering significance:

(1) The property is associated with significant events or with periods that exemplify broad patterns of cultural, political, economic, or social history;

(2) The property is associated with the lives of significant persons or groups;

(3) The property contains or is associated with distinctive elements of city identity;

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(4) The property embodies the distinctive characteristics of an architectural or engineering type or style, or method of construction;

(5) The property exemplifies a landscape design or development pattern distinguished by innovation, rarity, uniqueness, or quality of design or detail;

(6) The property exemplifies works of master builders, engineers, designers, artists, craftsmen, or architects; and

(7) The property has yielded, or may be likely to yield, information important in prehistory or history.

(C) *Nomination of property.* Nomination of a property to be considered for designation as a landmark or historic district shall be submitted to the Heritage Preservation Commission on a nomination application form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information. A nomination may be made by any of the following:

(1) A member of the Heritage Preservation Commission;

(2) A member of the City Council;

(3) The Mayor;

(4) The Building and Zoning Administrator; or

(5) Any person with an interest in the subject property.

(D) *Commission decision on nomination.* The Commission shall review all complete nomination applications. If the Commission determines that a nominated property appears to meet at least one of the criteria for designation contained in this section, the Commission may commence a designation study of the property.

(E) *Interim protection.*

(1) *Purpose.* Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process.

(2) *Effective date.* Interim protection shall be in effect from the date of the Commission's decision to commence a designation study of a nominated property until the City Council makes a decision regarding the designation of the property, or for 12 months, whichever comes first. Interim protection may be extended for such additional periods as the Commission may deem appropriate and necessary to protect the designation process, not exceeding a total additional period of 18 months. The Commission shall hold a public hearing on a proposed extension of interim protection as provided in this section.

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(3) *Scope of restrictions.* During the interim protection period, no alteration or minor alteration of a nominated property shall be allowed except where authorized by a certificate of appropriateness or a certificate of no change, as provide in this section.

(F) *State Historic Preservation Office review.* The Heritage Preservation Commission shall submit all proposed designations to the State Historic Preservation Office for review and comment within 60 days.

(G) *City Planning Commission review.* The Building and Zoning Administrator shall submit all proposed designations to the City Planning Commission for review and comment on the proposal within 30 days. In its review, the City Planning Commission shall consider, but not be limited to, the following factors:

(1) The relationship of the proposed designation to the city's comprehensive plan;

(2) The effect of the proposed designation on the surrounding area; and

(3) The consistency of the proposed designation with applicable development plans or development objectives adopted by the City Council.

(H) *Designation hearing.* Following completion of the designation study, the Commission shall hold a public hearing to consider the proposed designation, as provided in this section. Any person having a legal or equitable interest in a nominated property shall be allowed reasonable opportunity to give testimony or present evidence concerning the proposed designation.

(I) *Commission recommendation.* Following the public hearing, the Commission shall make findings with respect to the proposed designation and shall submit the same together with its recommendation to the Planning Commission of the City Council. In making its findings and recommendation, the Commission shall consider the designation criteria in this section, the information contained in the designation study, the State Historic Preservation Office's comments, the City Planning Commission's comments, the Building and Zoning Administrator's report, and all testimony and evidence received at the public hearing relating to the designation.

(J) *City Council decision.* The City Council shall make the final decision on all designations.

(K) *Design guidelines.* The Commission shall adopt Secretary of Interior standards for rehabilitation for landmarks and historic districts.

(2005 Code, § 2.55)

§ 30.070 HISTORIC RESOURCES.

(A) *Purpose.* To protect historic resources from destruction by providing the Heritage Preservation Commission with authority to identify historic resources. Properties must meet at least one of the criteria set forth under § 30.069.

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(B) *Demolition.* The Building and Zoning Administrator shall refer all requests for demolition of historic properties to the Heritage Preservation Commission.

(C) *Approval of demolition.* Any proposed demolition of historic properties must first have the approval of the Commission by written and signed permits and then a permit must also be secured from the Building and Zoning Administrator.

(D) *Findings for demolition.* Before approving the demolition of a property determined to be a historic resource, the Commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property or that there are reasonable alternatives to the demolition. A decision may be delayed for a time to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.

(E) *Mitigation plan.* As part of a condition of approval of a demolition permit, the Commission may require a mitigation plan of the property which may include pictures, measured drawings, or historical research or other means appropriate to the building. The plan may also include salvage and preservation of specified building materials, architectural details, ornaments, fixtures, and similar items for use in restoration elsewhere.

(2005 Code, § 2.55)

§ 30.071 HISTORIC VARIANCE.

(A) *Purpose.* This section is established to encourage the preservation and reuse of landmarks and properties in historic districts by providing the Commission with authority to recommend departure from the literal requirements of any of the applicable zoning regulations.

(B) *Application for historic variance.* An application for historic variance shall be filed on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information as specified in § 30.067.

(C) *Hearing on application for historic variance.* The Commission shall hold a public hearing on each complete application for historic variance according to the 60-day rule established by M.S. § 15.99, as it may be amended from time to time. Following the public hearing, the Commission shall make findings with respect to the proposed historic variance and shall submit the same together with its recommendation to the Planning Commission of the City Council.

(D) *Required findings for historic variance.* Before recommending approval of a historic variance, the Commission shall make findings that the variance is compatible with the preservation of the property and with other properties in the area, and that the variance is necessary to alleviate undue hardship due to special conditions or circumstances unique to the property and not created by the applicant.

(E) *Historic variance conditions and guarantees.* The Commission may impose such conditions on any historic variance and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this section.

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(F) *City Council decision.* The City Council shall make the final decision on all historic variances.

(G) *Changes in approved historic variance.* Changes to an approved historic variance shall require a new application. The requirements for application and approval of a change to a historic variance shall be the same as the requirements for original approval.
(2005 Code, § 2.55)

§ 30.072 TRANSFER OF DEVELOPMENT RIGHTS.

(A) *Purpose.* This section is established to encourage the preservation and rehabilitation of landmarks and properties in historic districts by providing the Commission with authority to recommend the transfer of undeveloped floor area from sites containing landmarks or located within a historic district to other sites.

(B) *Eligible areas.* The transfer of development rights shall be limited to transfers from sending sites located in zoning districts other than the downtown districts, to receiving sites located in the same historic district as the sending site or within one-fourth mile of the sending site, whichever is greater. However, nothing in this section shall be construed to provide a property owner with any property right or other legal right to compel the city to approve an application for transfer of development rights.

(C) *Application for transfer of development rights.* An application for transfer of development rights shall be filed on a form approved by the Building and Zoning Administrator and shall be accompanied by all required supporting information as specified in this section.

(D) *Hearing on application for transfer of development rights.* The Commission shall hold a public hearing on each complete application for transfer of development rights as provided in this section. Following the public hearing, the Commission shall make findings with respect to the proposed transfer of development rights and shall submit the same together with its recommendation to the Planning Commission of the City Council.

(E) *Required findings for transfer of development rights.* Before recommending approval of a transfer of development rights, the Commission shall make findings that the transfer is compatible with other properties in the area, and that the transfer is necessary to alleviate financial hardship due to restrictions placed on the use of the sending site by the Commission.

(F) *Transfer of development rights; conditions and guarantees.*

(1) *In general.* Any approval of an application for transfer of development rights shall be subject to the following conditions.

(a) The maximum amount of undeveloped floor area that may be transferred from the sending site shall be the difference between the gross floor area of development on the sending site and the maximum gross floor area permitted by the zoning district regulations.

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(b) The development potential of the sending site shall be reduced by the amount of undeveloped floor area transferred for the life of the principal structure on the receiving site whose construction is made possible by the transfer.

(c) The transfer of development rights shall not result in the destruction of a landmark or historic resource on the receiving site.

(d) The approval of the transfer of development rights shall be filed by the applicant with the office of the County Recorder in the form of a conservation easement or similar restriction acceptable to the city which shall specify the amount of undeveloped floor area transferred to the receiving site and the reduction in the development rights of the sending site.

(e) No building permit or other approval for the construction or establishment of transferred development rights on the receiving site shall be granted by the city until the structure on the sending site has been rehabilitated consistent with the applicable design guidelines adopted by the Commission, or if design guidelines have not been adopted, consistent with the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation, if necessary, or until a plan for such rehabilitation has been submitted to and approved by the Commission.

(2) *Additional conditions and guarantees.* The Commission may impose such conditions on any transfer of development rights and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this section.

(G) *City Council decision.* The City Council shall make the final decision on all transfers of development rights.

(H) *Changes in approved transfer of development rights.* Changes to an approved transfer of development rights shall require a new application. The requirements for application and approval of a change to a transfer of development rights shall be the same as the requirements for original approval. (2005 Code, § 2.55)

§ 30.073 MAINTENANCE.

(A) *Purpose.* This section is established to ensure that landmarks, historic districts, and nominated properties under interim protection are properly maintained and protected against deterioration.

(B) *Duty to maintain.* All landmarks, properties in historic districts, nominated properties under interim protection, and historic resources shall be kept in a state of maintenance and repair as required by city code book, Building Code, and with all other applicable regulations.

(C) *Prevention of deterioration.* No person with a legal or equitable interest in a landmark, property in a historic district, or nominated property under interim protection, whether occupied or not, shall

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permit the property to fall into a serious state of disrepair or to remain in a serious state of disrepair so as to materially impair the integrity of the property or historic district.
(2005 Code, § 2.55)

§ 30.074 ENFORCEMENT.

(A) *Purpose.* This section is established to ensure that the requirements of this section are enforced in accordance with the procedures set forth herein.

(B) *Complaints regarding violations.* The Building and Zoning Administrator shall have the authority to investigate any complaint alleging a violation of this section or the conditions of any approval granted pursuant to this section, and to take such action as is warranted in accordance with the procedures set forth herein and with all other applicable regulations.

(C) *Procedures upon discovery of violations.*

(1) *In general.* The Building and Zoning Administrator shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. Where the violation involves work being done contrary to the provisions of this section, the Building and Zoning Administrator may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(2) *Appeals to Commission.* Where the violation involves a condition of approval granted pursuant to this section, or an unauthorized alteration or minor alteration of a landmark, property in a historic district, nominated property under interim protection, or historic resource, or other provision of this section except a violation of the city code book or Building Code, the written notice shall advise the Building and Zoning Administrator's order may be appealed to the Commission in accordance with the provisions of this section.
(2005 Code, § 2.55)

§ 30.999 PENALTY.

(A) (1) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(2) Any person, firm, or corporation who violates any provision of this code, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon

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conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

(2005 Code, § 2.99)

(B) Every person who violates an section, division, paragraph, or provision of §§ 30.065 to 30.074 when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof, and shall be fined as required by law and additional costs levied for the cost of prosecution. Each day said violation continues shall constitute a separate offense.

(2005 Code, § 2.55)

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