

CHAPTER 2

COMMISSIONS AND VOLUNTEER FIRE DEPARTMENT

SECTION 1

- 201.000. GENERAL.** The purpose of this Chapter is to establish various advisory commissions. The commissions are intended to utilize members of the community in an advisory capacity to assist the City Council and staff with achieving the goals and objectives for the City and to ensure that the ideas of citizens are well represented in the policy making process. The general operating principles in this Section shall apply to all commissions.
- 201.001. NAME.** All boards, committees, and commissions will be named “commissions”.
- 201.002. COMMISSION SIZE.** All commissions will have a minimum of three members and a maximum of seven members appointed by the City Council.
- 201.003. APPOINTMENT.** Commission members will be appointed by the City Council.
- 201.004. REMOVAL FROM A COMMISSION.** Any member of a commission serves at will and may be removed with or without cause, from office by a majority vote of the City Council.
- 201.005. COMPENSATION.**
- A. Each member of any of the City's commissions, including but not limited to the Planning Commission, the Parks Commission, the Airport Commission, and any and all other members of any commissions of the City, may be compensated by resolution of the City Council (adopted from time to time) in such amounts as determined by the City Council.
 - B. Commission members shall be reimbursed for expenses actually incurred in discharging the duties of the commission in carrying out its functions when such expenses have been authorized by the City Council before they were incurred.
(Ord. 0-17-05; 3/21/17)
- 201.006. TERMS FOR COMMISSION MEMBERS.**
- A. New commission members will be appointed to a term of three years.
 - B. The time period for each three year term shall be: January 1 in the year of commencement and December 31 in the final year of the term.

- C. In the event of death, removal, or ineligibility of a commission member to participate on an appointed body, the Mayor shall declare a vacancy in the position and shall appoint a person to fill the vacancy as soon as conveniently possible for the remainder of the term subject to approval by a majority vote of the City Council present.
- D. Commission appointments will be varied so the terms of approximately 1/3 of the members of each commission shall expire every year.

201.007. TERM LIMITS. No term limits shall apply to commission members.

201.008. CHAIRPERSON AND VICE-CHAIRPERSON.

- A. Each commission shall annually recommend a chairperson and vice-chairperson to the City Council for formal approval. The City Council may appoint any member. The City Council shall annually confirm a chairperson and vice-chairperson to represent each commission.

The chairperson will be expected to provide leadership for the commission and to facilitate the conduct of meetings.

The vice-chairperson shall fulfill the duties of chairperson when the chairperson is absent or unable to perform assigned duties.

- B. The following criteria shall be used when selecting a chairperson.
 - 1. The member has a good attendance record and/or expects to be able to make all the meetings while serving as chairperson.
 - 2. The member has demonstrated leadership and involvement in past activities of the commission.
 - 3. The member has demonstrated the ability to understand and further the City's overall mission, specifically relating to the commission's responsibilities.
- C. A commission chairperson that is appointed by the City Council shall serve one year in this capacity, and may be reappointed.
- D. Any chairperson may be removed from office with or without cause by a majority vote of the City Council.

201.009. RECRUITMENT OF COMMISSIONERS.

- A. The City Administrator will advertise for new members at least once per year to create a candidate pool for future vacancies.
- B. All commission candidates are required to complete a City application form in order to be considered for a commission appointment.
- C. In order to attract qualified members, existing commissioners will assist the City in identifying knowledge, skills, and abilities important to accomplishing its assigned duties and responsibilities. In addition, the City will strive to make appointments that reflect the diversity of the community.
- D. Formal interviews are not required but may be used by the City Council when appointing individuals to a particular commission.
- E. When conducting recruitments for the City's various commissions, members of the City Council will place an emphasis on variety of individual skills, aptitudes, and geographic location throughout the City when evaluating the individual's application.
- F. Unless otherwise specifically provided, each member of any commission or other appointment body shall be a resident of the City during their term of service.
- G. The City Council will evaluate the application materials submitted by each candidate. There is no implied guarantee of appointment or reappointment to any City Commission. The sole responsibility for appointment resides with the City Council as the confirming authority.

201.010. COUNCIL REPRESENTATION. The City Council shall appoint one of its members as an ex officio member of the commission for a term of one year. This member shall have full rights of discussion but will not be a voting member of the commission. At its discretion, the Council also may appoint other ex officio members.

201.011. REPORTS. The chairperson of each commission shall make a report to the City Council once a year. The report will be made at a regular City Council meeting and will include a summary of issues and accomplishments of the commission during the past year. Also, the report shall preview future issues and projects.

201.012. RULES AND PROCEDURES.

- A. Each commission shall conduct its meetings according to the latest “Roberts Rules of Order”, as revised.
- B. Each commission may adopt a set of rules to govern its meetings as it deems necessary for the conduct of its business and the holding of its meetings.
- C. The rules may be amended from time to time but only upon notice to all members that the amendment will be acted upon at a regularly scheduled meeting.
- D. A majority vote of the commission is required to approve a proposed amendment to the governing rules of the commission.
- E. Each commission shall establish the frequency and time of its meetings.
- F. A quorum of more than 50 percent of the commissioners is required to hold a meeting.
- G. All meetings shall comply with the Minnesota open meeting laws.

201.013. ABSENCE OF MEMBERS. Attendance at meetings is of the utmost importance in carrying out the work of a commission. If a member misses one third of the scheduled meetings during the commission’s calendar year (January through December), the member’s seat will automatically become vacated and the City Council will begin the process of filling the vacated seat. The City Administrator shall be responsible for notifying the member of the intended and resulting action.

201.014. LEAVES OF ABSENCE. For a variety of reasons, commission members may need to take a leave of absence for a period of time. Members of any commission may request in writing to the City Council a leave of absence not to exceed four months from their appointed position. Leaves of absence will be granted at the discretion of the City Council.

201.015. RECORD OF ACTION. Each commission will keep a public record of its resolutions, transactions, and findings. Minutes will be kept of each meeting and forwarded to the City Council upon approval by a majority of a quorum of the commission.

201.016. TASK FORCES AND SUBCOMMITTEES.

- A. With prior approval of the City Council, a commission may organize a task force to study and report to the City Council on specific matters. After reporting its findings to the commission, the task force shall terminate unless

continued for a specific purpose. A task force may include members of the commission as well as other qualified citizens or business representatives.

- B. Commission may appoint a subcommittee consisting only of its members to complete special assignments. Reports of the subcommittee must be approved by a full commission before recommendations are made to the City Council.
- C. The City Council may appoint a task force to study and report to it on specific matters.

201.017. CONFLICT OF INTEREST.

- A. No member of any commission may vote on a matter in which the member has a direct or indirect financial interest or other substantial interest.
- B. Commission members shall refrain from bidding or entering into any contracts, agreements, or other engagements with the City while serving on a commission.

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SECTION 2

202.000. PLANNING COMMISSION.

202.001. ESTABLISHED. A Planning Commission shall be established for the City.

202.002. OFFICIAL NAME. The official name of the planning agency for the City of Winsted is: WINSTED PLANNING COMMISSION. Any reference in City Ordinances to “planning agency” or “planning commission” shall mean “WINSTED PLANNING COMMISSION”.

202.003. PURPOSE. The purpose of this Commission shall be to advise the City Council on all land use planning matters.

202.004. DUTIES AND RESPONSIBILITIES. The duties and responsibilities of this Commission shall be to:

- A. Review all planning matters as required by the City Code. The Planning Commission shall report the results of such reviews to the City Council by means of a resolution making findings of fact and recommending action to be taken.
- B. Conduct public hearings upon matters as required by the provisions of such ordinances. Following any public hearing required by the ordinances of the City of Winsted or the statutes of the State of Minnesota or the bylaws for the Winsted Planning Commission, it shall make its report and recommendation to the City Council.
- C. Act on any other matters required of the Winsted Planning Commission by ordinance or state statute, or referred to it by the City Council.

202.005. ZONING REGULATION. No zoning regulation, zoning ordinances or amendments thereto shall be adopted by the City Council of Winsted until a public hearing has been held by the Winsted Planning Commission as provided by Section 462.357 of the Minnesota Statutes as amended by Laws 1969, Chapter 259, Section 1; Laws 1973, Chapter 379, Section 4; Chapter 539, Section 1; and Chapter 559, Sections 1 and 2.

202.006. APPROVAL OF PLATS. Any plat of land submitted to the Council for approval shall, prior to final approval, be referred to the Planning Agency for review and recommendation. Any plat so referred shall be returned to the Council by the Planning Agency within thirty days after such referral, and failure of the Agency to report within such period is deemed to have satisfied the requirements of this Subdivision.

202.007. **STATE LAW.** The operations and procedures of the Planning Commission shall be carried out in compliance with Minnesota Statutes, Sections 462.351 through 462.365.

SECTION 3

203.000. PARK COMMISSION.

203.001. ESTABLISHED. A Park Commission shall be established for the City.

203.002. PURPOSE. The purpose of this Commission shall be to advise the City Council on the proper use of the parks, trails, and natural environment and policies covering recreation activities.

203.003. DUTIES AND RESPONSIBILITIES. The duties and responsibilities of this Commission shall be to:

- A. Oversee the activities of public and private agencies in Winsted with concern for their effects on the quality of the parks, trails, and environment.
- B. Raise issues and concerns for staff and the City Council to consider regarding these activities.
- C. Consider current and proposed plans and operations of municipal activities as they affect or concern parks, trails, the environment, and recreation activities.
- D. Seek community opinion as appropriate on recommendations to improve plans and operations.
- E. Monitor the condition of park property, trails, and community environmental conditions and practices and evaluate and recommend actions for improvement.
- F. Perform other duties as directed by the City Council.

SECTION 4

204.000. AIRPORT COMMISSION.

204.001. ESTABLISHED. An Airport Commission shall be established for the City.

204.002. OFFICIAL NAME. The official name of the Airport advisory commission for the City of Winsted is: WINSTED MUNICIPAL AIRPORT COMMISSION. Any reference in City Ordinances to “airport commission” or “airport board” shall mean “WINSTED MUNICIPAL AIRPORT COMMISSION”.

204.003. COMPOSITION OF WINSTED MUNICIPAL AIRPORT COMMISSION. The members appointed shall consist of two (2) Winsted Municipal Airport hangar owners, two (2) individuals residing within the City of Winsted and one (1) member at-large.

204.004. PURPOSE. The purpose of this Commission shall be to advise the City Council on the proper use of the Winsted Municipal Airport.

204.005. DUTIES AND RESPONSIBILITIES. The duties and responsibilities of this Commission shall be to:

- A. Review all airport matters as required by the City Code. The Winsted Municipal Airport Commission shall report the results of such reviews to the City Council by means of a resolution making findings of fact and recommending action to be taken.
- B. Conduct public hearings upon matters as required by the provisions of such ordinances. Following any public hearing required by the ordinances of the City of Winsted or the statutes of the State of Minnesota, it shall make its report and recommendation to the City Council.
- C. Oversee the activities of public and private agencies in Winsted with concern for their effects on the quality of the Winsted Municipal Airport.
- D. Raise issues and concerns for staff and the City Council to consider regarding these activities.
- E. Consider current and proposed plans and operations of municipal activities as they affect or concern the Winsted Municipal Airport.
- F. Seek community opinion as appropriate on recommendations to improve plans and operations.

G. Monitor the condition of the Winsted Municipal Airport and evaluate and recommend actions for improvement.

H. Perform other duties as directed by the City Council.

SECTION 5.

205.000. VOLUNTEER FIRE DEPARTMENT

205.001. FIRE DEPARTMENT ESTABLISHED. There is hereby established in this City a Volunteer Fire Department for the purpose of fighting fires, providing ambulance services, and performing all functions necessary and proper to a Fire Department, consisting of a Chief, a Fire Marshal, Officers deemed necessary by said Fire Department, and not less than ten (10), no more than thirty (30) firemen.

205.002. APPOINTMENT OF FIRE CHIEF. The Fire Chief shall be elected by the members of said Fire Department and said person winning said election shall be approved by and be responsible to, City Council. The Fire Chief shall be so appointed for a one year term and the removal only for cause after a public hearing.

205.003. DUTIES OF CHIEF. The Fire Chief shall be the administrative head of the Fire Department. In such position, it shall be his duty to:

- A. ESTABLISH MANAGEMENT ORGANIZATION. Recommend the management organization of the Department, including, but not limited to, such matters as naming at least one assistant chief, determining how the Department shall be organized into companies and naming officers for the various companies.
- B. CONTROL APPARATUS. Have control of all firefighting apparatus and equipment and be solely responsible for its care and condition.
- D. PREPARE BUDGET. Prepare and submit to the City Council at its meeting in September, the annual preliminary budget for the Fire Department program in the succeeding year.
- E. PREPARE LONG-RANGE PLANS. Prepare projections describing what the Fire Department should accomplish during periods of 1, 5, 10, and 20 years. These reports shall be adjusted as frequently as changing conditions dictate and shall include predicted annual budget requests for men and equipment as well as capital expenditure.
- F. REPORTS. Make reports to the City Council or to the public as directed by the City Council.
- G. CONTROL ASSIGNMENTS. Control work assignments so as to properly utilize the working forces of the Department.

- H. FIRE DEPARTMENT. At least one meeting of the Fire Department members and at least one drill per month shall be held. Such meetings and drills may be held on the same night if sufficient time is allocated for each. Records shall be kept of the names and the number of the firemen present at each meeting or drill, what each drill consists of, and any other pertinent information deemed necessary by the City Council or the State Fire Marshal.
- I. ANCILLARY FUNCTIONS. To perform such other functions as are necessary to properly administer the Fire Department.

205.004. ASSISTANT CHIEF. In the absence of disability of the Fire Chief, the Assistant Chief shall perform all the functions and exercise all the authority of the Chief.

205.005. PERSONNEL.

- A. QUALIFICATIONS. The firemen shall be able-bodied and not less than nineteen (19) years of age.
- B. PHYSICAL EXAMINATION. Each candidate, before he may become a probationary fireman, must undergo a thorough physical examination by a licensed doctor of medicine and submit such doctor's written report thereof with his application for membership in the Department. Such report shall contain a statement whether or not, in such doctor's opinion, there is any evidence of myocarditis, coronary sclerosis, or pneumonia or its sequel in the candidate at the time of his examination. Such report shall be retained and permanently kept in the files of the Fire Department.
- C. PROBATIONARY PERIOD. Each candidate shall serve a probationary period of one (1) year before receiving a fireman's rating.
- D. PRESENT MEMBERS. Persons who are members of the Fire Department at the time of the adoption of this Ordinance shall not be required to serve a probationary period before receiving a fireman's rating.
- E. LOSS OF MEMBERSHIP. To be in and remain in good standing in the Fire Department, each officer, member or probationary member shall attend all meetings and drills. The only excuses for missing meetings or drills shall be sickness, a death in the absentee's immediate family and if the absentee's attendance would have jeopardized his employment. All other excuses shall be subject to a hearing at the regular meeting. Any member missing more than five (5) consecutive meetings or twelve (12) meetings in any one year shall be dismissed from the Department. Each excuse must be approved by two-thirds of the members present.

205.006. FIRE MARSHAL. The responsibilities of this office shall rest with the Fire Chief. He may perform the following duties himself or delegate them to a subordinate. It shall be his duty to:

- A. ENFORCE ORDINANCES. Enforce Ordinances or other laws directed toward fire prevention.
- B. INSPECT PREMISES. Inspect, or cause to be inspected, all premises and cause the abatement or removal of all fire hazards. Pursuant to such duty to cause to be inspected all premises, he shall have the authority to obtain search warrants if such are necessary to accomplish the inspection; provided, that the applicable Constitutional Requirements relating to the procurement of such search warrants in effect at the time of the inspection are met.
- C. INVESTIGATE FIRES. Investigate, or cause to be investigated, the cause, origin and circumstances of each fire occurring within the City by which property has been destroyed or damaged when such destruction or damage exceeds one hundred dollars (\$100.00) except that all fires of unknown origin shall be investigated; and, he shall especially make investigation as to whether the fire was the result of carelessness, accident, or design. All investigations shall begin within at least two (2) days of the occurrence of the fire. Nothing in this Section shall prevent the Fire Marshal from performing investigations on any fire occurring without the city limits.
- D. MAKE REPORTS. Make such reports as may, from time to time, be required by the State Fire Marshal or the City Council.

205.007. RELIEF ASSOCIATION. The members and officers of the Fire Department may organize themselves into a relief association. Before any benefits provided from the special fund of such association are or become effective, they must first be ratified by the City Council. Similarly, any By-Law or Articles of Incorporation changes which affect the original benefits paid from the special fund, shall not be effective nor remain effective until ratified by the City Council.

205.008. INTERFERENCE WITH DEPARTMENT. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the Department in the discharge of its duties; and any person guilty of violating this Section shall be punished by a fine not exceeding three hundred (\$300.00) or by imprisonment for a period not exceeding ninety (90) days or both.