

TITLE 2

**BOARDS AND COMMISSIONS**

Subject	Chapter
Planning Commission .....	1
Park Commission.....	2
RESERVED .....	3
Board Of Health .....	4
Fire Code Board of Appeals .....	5
Economic Development Commission.....	6

CHAPTER 1  
**PLANNING COMMISSION**

SECTION:

- 2-1- 1:       Established
- 2-1- 2:       Membership
- 2-1- 3:       Terms; Vacancies; Oath
- 2-1- 4:       Officers
- 2-1- 5:       Meetings
- 2-1- 6:       Expenditures
- 2-1- 7:       Powers and Duties
- 2-1- 8:       Zoning Ordinances; Public Hearings
- 2-1- 9:       Subdivision Plats; Review and Recommendation
- 2-1-10:       Final Determination

2-1-1: **ESTABLISHED:** The Commission shall be the City planning agency authorized by Minnesota Statutes section 462.354, subdivision 1. (1981 Code § 207.01; 1997 Code)

2-1-2: **MEMBERSHIP:** The Planning Commission shall consist of five (5) members appointed by the City Council. The members of the commission must be residents of the City of Sartell. (1981 Code 207.02)

2-1-3: **TERMS; VACANCIES; OATH:**

- A.   Terms: Terms shall be three (3) year overlapping terms. Appointees shall hold their offices until their successors are appointed and qualified. (1981 Code § 207.02; 1997 Code)
- B.   Vacancies: Vacancies during the term shall be filled by the Council for the unexpired portion of the term.
- C.   Oath: Every appointed member shall, before entering upon the discharge of duties, take an oath that they will faithfully discharge the duties of their office. (1981 Code § 207.02)

2-1-4: **OFFICERS:**

- A.   Chairman: The Commission shall elect a chairperson from among its appointed members for a term of one year.
- B.   Vice Chair: The Commission shall elect a vice chairperson from its own membership.
- C.   Additional Officers: The Commission may create and fill such other offices as it may determine. (1981 Code § 207.03)

2-1-5: **MEETINGS:**

- A.   Frequency Of Meetings: The Commission shall hold meetings as necessitated.
- B.   Rules of Order and Procedure: The Commission shall adopt rules of order and procedure for the transaction of business, and its findings, which record shall be public record.
- C.   Annual Report: On or before April 1, of each year the Commission shall submit to the City Council a report of its work during the preceding calendar year. (1981 Code § 207.03; 1997 Code)

- D. **QUORUM:**
- a. A majority (a minimum of three members) of all the members of the Planning Commission who have been appointed shall constitute a quorum to transact official business.
  - b. Where there is no quorum, the Chairperson, upon proper motion duly approved by the members present, shall then declare the meeting adjourned for lack of quorum.
  - c. Land use applications which are unable to be reviewed by the Planning Commission within 30 days of the time of the application because of the lack of a quorum by the Planning Commission during a regular or special planning meeting, shall be immediately referred to the Sartell City Council with a recommendation by Staff in an effort to stay consistent with the timing requirements as required by Minnesota Statute, Section 15.99 "60-day rule".

2-1-7: **POWERS AND DUTIES:**

- A. **General Powers:** The Planning Commission shall have the powers and duties given planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this Code and by the Council. The Planning Commission has the responsibility to convene and the duty to provide a recommendation to the City Council on city matters in a diligent and efficient manner.
- B. **Comprehensive Plan:**
1. **Preparation; Adoption:** After the Commission has prepared and the Council has adopted a Comprehensive Plan, the Commission shall periodically, but at least once every five (5) years, review in whole or part of the Comprehensive Plan, any ordinances and other policies the Council has adopted to implement the Plan.
  2. **Revision; Amendment:** After such review, it shall, to the extent it deems necessary, prepare proposed revisions to the Comprehensive Plan, or draft a proposed new Comprehensive Plan, and recommend it to the Council in accordance with law unless as determined by section 2-1-5D. Before recommending to the Council said plan or changes, the Commission shall hold a public hearing thereon with notice of the hearing to be published at least seven days in advance.
- C. No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting and rezoning of land after such plans or regulations have been adopted by the Council, nor shall requests for variances from the zoning plan be granted, until the proposed change has been referred to the Planning Commission for report thereon and a recommendation has been submitted with the Council; and no ordinance or resolution establishing any of such plans or specifications shall be adopted nor any variance granted by the Council until such ordinance or resolution or variance request has been referred to the Planning Commission for a report thereon and an attested copy of such report has been filed with the Council.

2-1-8: **ZONING ORDINANCES; PUBLIC HEARINGS:** No zoning, ordinances or amendment shall be adopted by the Council until a public hearing has been held thereon by the Council upon notice as provided in Minnesota Statutes section 462.357, subdivision 3. (1981 Code § 207.05)

2-1-9: **SUBDIVISION PLATS; REVIEW AND RECOMMENDATION:** Any subdivision plat submitted to the Council for approval shall, prior to final approval, be referred to the Planning Commission for review and recommendation unless as determined by section 2-1-5-D.

2-1-10: **FINAL DETERMINATION:** The City Council has the final say on all City of Sartell matters of the Planning Commission. (1981 Code§ 207.03)

## CHAPTER 2

### PARK COMMISSION

#### SECTION:

- 2-2-1: Established
- 2-2-2: Membership; Term
- 2-2-3: Chairperson ; Vice-Chairperson
- 2-2-4: Bylaws
- 2-2-5: Powers And Duties
- 2-2-6: Recommendations
- 2-2-7: Quarterly, Annual Reports

2-2-1: **ESTABLISHED:** The Park Commission presently in existence is hereby continued for the City. (1981 Code § 212.01; 1997 Code)

2-2-2: **MEMBERSHIP; TERM:** The Park Commission shall consist of five (5) members. As each member's term expires, his/her successor shall be appointed for a term of three (3) years. Each member shall serve not more than three (3) **consecutive** full terms. Each member shall be residents of the City of Sartell. (1981 Code § 212.01) The commission shall also be comprised of one non-voting member of the City Council as an ex-officio member.

2-2-3: **CHAIRPERSON; VICECHAIR:** The Commission shall select from its members a chairperson and a vice chair (1981 Code § 212.01)

2-2-4: **Rules of Order and Procedure:** The Commission shall adopt rules of order and procedure for the transaction of business, and its findings, which record shall be public record.

#### 2-2-5: **POWERS AND DUTIES:**

- A. **General Duties:** The Park Commission may offer recommendations of how to maintain, beautify and care for all park property and shall recommend a program of public recreation and playgrounds.
- B. **Programs Administered By Public Or Private Agency:** If any part of the public recreation program of the community is administered directly by any public or private agency other than the Commission, the Commission may negotiate and offer recommendations to the City Council on cooperative agreements with any such public or private agency for the purpose of coordinating all the activities and facilities included in such public recreation program.
- C. **Land For Recreational Use:** The Council shall determine what land is to be acquired for recreational purposes, what City-owned land it shall be permitted to use in carrying on its recreational program and what buildings or other permanent structures are to be constructed upon such land.
- D. **Power Of Council:** The Council may, upon recommendation of the Joint Planning Commission and Park Commission acquire land for park purposes, but the Council shall have full, absolute and exclusive control over all property set aside for park and recreational purposes. (1981 Code § 212.02)

2-2-6: **RECOMMENDATIONS:** The Park Commission shall recommend the following:

- A. Construction of Improvements: The construction of roadways, paths, buildings, fountains, docks, boat houses, bath houses, warming houses, refreshment booths, amusement halls, pavilions and other structures and improvements in parks.
- B. Acquisition/Sale of Land: The acquisition lease or sale of land for park or recreational use.

2-2-7: Annual Report: On or before April 1 of each year the Commission shall submit to the City Council a report of its work during the preceding calendar year

## CHAPTER 4

### BOARD OF HEALTH

#### SECTION:

- 2-4-1: Membership
- 2-4-2: Duties Of Board
- 2-4-3: Duties Of Health Officer
- 2-4-4: Public Health Sanitarian
- 2-4-5: Interference With Health Board Or Officer

#### 2-4-1: **MEMBERSHIP:**

- A. Board Continued: The City Board of Health presently in existence is hereby continued. (1981 Code § 206.01; 1997 Code)
- B. Appointment; Membership: The Board shall consist of three (3) members who shall be appointed by the Council at the first meeting of the year.
- C. Executive Officer: At least one shall be a physician who shall serve as executive officer of the Board.
- D. Vacancies: A vacancy during the term of any member shall be filled by Council appointment for the remainder of the term. (1981 Code § 206.01)

#### 2-4-2: **DUTIES OF BOARD:** The Board of Health shall have the following powers and duties:

- A. Communicable Diseases: To investigate and make such reports and obey such directions concerning communicable diseases as the State Board of Health may require or give.
- B. Health Regulations: To cause all laws and regulations relating to the public health, including all health regulations included in this Code, to be obeyed and enforced.
- C. Recommendations: To make recommendations to the City Council with respect to ordinances and programs to promote the public health. (1981 Code § 206.02)

#### 2-4-3: **DUTIES OF HEALTH OFFICER:** The Health Officer shall have the powers and duties prescribed in the following subsections:

- A. Board Orders: The Health Officer shall execute the lawful orders of the State and City Boards of Health.
- B. Health Ordinances: With the advice and consent of the Board of Health, the Health Officer shall enforce all statutory and ordinance provisions relating to public health.

#### C. Communicable Diseases:

1. Employment Of Additional Personnel: The Health Officer shall employ, at the expense of the City, medical and other help as may be necessary in the control of communicable disease.

2. Expenses Related To Quarantine: The City Clerk-Treasurer shall see that statements of expense incurred in establishing, enforcing and releasing quarantine are, after payment, certified to the proper County Auditor for allowance of one-half (1/2) the amount as a payment by the County to the City as provided by law; but no such expense shall be paid by the City unless payment is refused by the person liable therefore under the statutes.

D. Orders:

1. Order To Clean: The Health Officer may issue and serve, or *have served*, written individual orders requiring the owner or occupant of any premises to clean cesspools, septic tanks, dry wells, leaching pits, vaults, sheds or barns to remove refuse from the premises or any street or alley adjacent thereto or to place and keep such premises in a clean and wholesome condition.

2. Order To Fill Or Cease Use: The Health Officer may also issue and serve, or have served, written individual orders requiring the owner or occupant of any premises to fill with dirt and cease to use any cesspool, dry well, leaching pit or vault which does not function in a proper manner and requiring the owner or occupant to provide satisfactory arrangements to take the place of those whose use is discontinued.

E. Water Samples:

1. Taking Of Samples: The Health Officer shall direct from time to time that samples of water be taken from private wells, public wells, the public water system, public beaches and public swimming pools and other places to which the public is invited.

2. Analyses; Recommendations To Council: The Health Officer shall have these samples analyzed and cataloged according to the standards established by the State Board of Health and, based thereon, the City Board of Health shall make such recommendations regarding the water samples as it deems necessary to appropriate City authorities.

F. Inspection Of Various Establishments: The Health Officer may inspect all premises engaged in the manufacture, processing, distribution, storage or sale of food, beverages, drugs, liquors, milk, ice or any other product intended for human consumption, as well as the utensils, dishes, containers used in cleaning, preparation, serving or eating of any such product to ensure its purity and cleanliness or the sanitation and cleanliness of the premises, personnel and facilities, and to recommend to the owner or proprietor such changes as he/she deems necessary.

G. Arrest Powers: The Health Officer shall have the power of arrest for violation of this Code, or of any State law or regulation of the State Board of Health.

H. Sanitary Inspection: In accordance with regulations of the State Board of Health, the Health Officer shall make a thorough sanitary inspection of the City in the month of May each year and present a written report of such inspection, together with his/her recommendations, to the Council on or before the June 1. The Health Officer shall make additional inspections during the year if deemed necessary. (1981 Code § 206.03)

2-4-4: **PUBLIC HEALTH SANITARIAN:** The Chief of Police shall serve as City Public Health Sanitarian. Under the supervision of the Health Officer and Board of Health, the Public Health Sanitarian may exercise any of the powers and duties of the Health Officer in administering the environmental health program of the City, including any powers and duties specified in Section 2-4-3 of this Chapter, except those which may be performed only by a medical doctor. He/she shall also carry out the powers and duties specifically imposed on the Chief of Police by any other provision of this Code. (1981 Code § 206.04)

2-4-5: **INTERFERENCE WITH HEALTH BOARD OR OFFICER:** No person shall obstruct, interfere with or impede the Health Officer or the Board of Health in the performance of official duties or remove any sign posted by order of the Health Officer in any area or on any building. (1981 Code § 206.05)

## CHAPTER 5

### FIRE CODE BOARD OF APPEALS

#### SECTION:

- 2-5-1: Purpose
- 2-5-2: Fire Code Board of Appeals
- 2-5-3: Process
- 2-5-4: Criteria for Decisions
- 2-5-5: Notice of Right to Appeal

2-5-1:           **PURPOSE:** The purpose of this Division is to create, in accordance with Minnesota Fire Safety Statutes 299F.011, Subd. 5, and 1997 Uniform Fire Code Section 103.1.4, a Fire Code Board of Appeals and a process to hear and rule on appeals from orders issued under the 1997 Uniform Fire Code or any updated version of said code.

#### 2-5-2:           **FIRE CODE BOARD OF APPEALS:**

1. Board Composition. The Fire Code Board of Appeals will consist of five-members who are appointed by the City Council and are qualified by experience and training to pass judgment upon appeals presented by the owner, lessee or a duly authorized representative of property subject to a determination in accordance with an applicable fire code. The city's Fire Chief will serve as a non-voting, ex officio member and will act as secretary of the board. Members will serve at the pleasure of the City Council.
2. Terms. Two members will be appointed with terms to expire on December 31, 2003; two members will be appointed with terms to expire on December 31, 2004; and one member will be appointed with a term to expire on December 31, 2005. Thereafter, appointed terms will be for three years and end on December 31.

#### 2-5-3:           **PROCESS:**

1. The owner, lessee or duly authorized representative of property subject to a determination in accordance with Minnesota Fire Safety Statutes and/or the most current Uniform Fire Code may appeal a decision of the city's Fire Chief on a request for a variance or abatement of an order(s), or an interpretation from said code. Requests to appeal a determination by the city's Fire Chief must be presented in writing on the application form provided by the City. The city's Fire Code Board of Appeals will hear said request within 10 days of receipt of a complete application. Meetings of the city's Fire Code Board of Appeals are subject to open meeting law requirements.
2. The Fire Code Board of Appeals will adopt reasonable rules and regulations for conducting its investigations and determinations.
3. The Fire Code Board of Appeals will render decisions and findings in writing to the city's Fire Chief, with a duplicate copy to the applicant, Fire Inspector, City Administrator, and City Council.

2-5-4: **CRITERIA FOR DECISIONS:** The Fire Code Board of Appeals will make its determinations in accordance with the following:

1. Interpretations of applicable code must be reasonable and consistent with the understood intent of the code.
2. Practical difficulties are determined to exist in the way of carrying out the provisions of the applicable code and substantial compliance with applicable codes is already being met.
3. The suitability of an alternate material(s) and/or type of construction is consistent with the spirit of the applicable code.
4. Public safety will be secured and substantial justice done with the determination rendered.

2-5-5: **NOTICE OF RIGHT TO APPEAL:** Notice of the right to appeal any order, violation of an order, interpretation of an applicable code, or other such decision from the city's Fire Chief or Fire Inspector must be provided to the owner, lessee or duly authorized representative of property subject to said determination.

## CHAPTER 6

### ECONOMIC DEVELOPMENT COMMISSION

#### SECTION:

- 2-6- 1: Established
- 2-6- 2: Membership
- 2-6- 3: Terms; Vacancies;
- 2-6- 4: Officers
- 2-6- 5: Meetings
- 2-6- 6: Powers And Duties

2-6-1: Established. The Economic Development Commission in existence is hereby continued for the City as established by Economic Development, Minn. Stat. § 469.001 et seq.

2-6-2: Membership. The economic development commission shall be composed of a minimum of seven members appointed by the City Council with the council approved option of approving an additional two more members consisting of three year terms. The commission shall also be comprised of two non-voting members of the City Council as ex-officio members.

2-6-3: Terms; Vacancies: Members of the commission shall be appointed for three-year staggered terms except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor had been appointed shall be appointed only for the remainder of such term. Upon the expiration of their term of office the member shall consider [continue] to serve until his successor is appointed. Each member shall serve not more than three (3) **consecutive** full terms. Commission members shall serve without compensation. Members of the commission shall be residents of the city or a resident of LeSauk or Sauk Rapids Township while serving on the commission and shall represent as broad a range as possible of interests in the economic development function.

2-6-4: Officers and meetings.

- A. Chairperson: The Commission shall elect a chairperson from among its appointed members for a term of one year.
- B. Vice Chairperson: The Commission shall elect a vice chairperson from its own membership.
- C. Additional Officers: The Commission may create and fill such other offices as it may determine. (1981 Code § 207.03)

2-6-5: Meetings. The commission shall adopt rules and procedures not inconsistent with the provisions of this division and as may be necessary for the proper execution and conduct of business. The commission shall hold regular meetings as deemed necessary. Other meetings may be called by the chair as needed. The city council or commission may appoint temporary task forces to undertake special projects.

2-6-6. Powers and Duties

- A. The economic development commission shall act as a coordinating body and resource agency for economic development matters.
- B. The general purpose of the commission is to study, review and prepare recommendations for the City Council regarding matters of economic development policy.

- C. In fulfillment of its purposes and duties, the commission shall:
1. Propose an economic development plan for the city to include long-term strategies for economic development.
  2. Recommend economic development policies and programs to the City Council.
  3. Work with the city's economic development consultant, City Council, and staff in promoting the city and attracting economic growth and development and retaining businesses in the community.
  4. Make an annual report to the City Council regarding achievements towards fulfillment of such programs.
  5. Develop and recommend methods to stimulate positive interest in economic growth and development.
  6. Assist the City Council in meetings and discussions with developers in the city.