

CHAPTER 2
ADMINISTRATION

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SECTION 1
CODE OF ETHICS

Section:

- 2-1-1 Policy and Purpose
- 2-1-2 Responsible for Public Office
- 2-1-3 Scope of Persons Covered
- 2-1-4 Conflict of Interest
- 2-1-5 Disclosure
- 2-1-6 City Council Enforcement

2-1-1: POLICY AND PURPOSE: It is imperative that all persons acting in the public service not only maintain the highest possible standards of ethical conduct in their transaction of public business, and that such standards be clearly defined and known to the public as well as to the persons acting in public service.

The proper operation of a democratic government requires that public officials be independent, impartial, and responsible to the people. Governmental decisions and policies must be made in the proper channels of the governmental structure. Public office may not be used for personal gain. Citizens must have confidence in the integrity of their government officials.

Employees and contracted staff of the City must also be held to the highest ethical standards, but the standards established for them should be contained within the City's employee manual and/or individual contracts.

In recognition of these goals, there is hereby established a Code of Ethics for the City's elected and appointed public officials. The purpose of this Code is to establish ethical standards of conduct for such persons by prohibiting acts which are incompatible with the City's best interests, and to demonstrate to the public the City's commitment to hold said public officials to the highest possible standard of conduct. The provisions and purpose of this Code are declared to be in the best interests of the City of Otsego. (Ord. 97-13, Oct. 13, 1997)

2-1-2: RESPONSIBILITIES OF PUBLIC OFFICE: Public officials hold office on behalf of the public. They are bound to uphold the Constitution of the United States of America and the Constitution of the State of Minnesota. Public officials must carry out impartially the laws of the nation, state, and City in fostering respect for all government. They are bound in their official acts to the highest standards of morality, and to discharge faithfully the duties of their office. Public officials shall be dedicated to fulfilling the responsibilities of their office. They shall be dedicated to the public purpose and all programs developed by them shall be in the community interest. Public officials shall not exceed their authority or breach the law or ask others to do so. They shall

work in full cooperation with other public officials and employees unless prohibited from doing so by law. (Ord. 97-13, Oct. 13, 1997)

2-1-3: SCOPE OF PERSONS COVERED:

- A. The provisions of this Code of Ethics are applicable to the Mayor, all members of the City Council, and all appointed City officials. It shall not include City employees who are not otherwise appointed officials, contracted City staff, nor citizen volunteers.
- B. The disclosure provisions of Section 2-1-5 are applicable only to elected public officials, and members of the following boards and commissions: Planning and Zoning Commission, Economic Development Authority Advisory Commission, Heritage Preservation Commission, and Park and Recreation Commission. (Ord. 97-13, Oct. 13, 1997)

2-1-4: CONFLICT OF INTEREST:

- A. No person covered by this Code shall knowingly engage in any conflict of interest, or knowingly engage in any business or transaction, or shall have a direct or indirect financial or other personal interest which is incompatible with the proper discharge of the person's official duties or would tend to impair the person's independent judgment or action in the performance of his official duties.

In determining whether or not a conflict of interest exists, factors to be considered include the nature of the matter before the City, the effect or potential effect of the actions taken by the public officials, and the need for action on the matter in question.

While a conflict of interest could conceivably exist in many instances, a conflict only falls within the scope of this policy when it arises to the level of disqualifying conflict of interest. A disqualifying conflict of interest is a conflict which rises to such a level that a reasonable person viewing the matter in an objective fashion would conclude that the apparent or real conflict would not allow the involved official to make an unbiased decision in the matter.

In the case of a proposal of general application throughout the City, the issue as to whether or not a conflict of interest exists is not as closely scrutinized as when a conflict of interest exists regarding an application for action regarding a defined specific parcel of property, or in a case where the action affects a particular individual or a narrowly defined class of individuals rather than the public in general. In the case of a specific application, a disqualifying conflict of interest exists when there is a reasonable perception (whether it actually exists or not) of a conflict of interest. In the case of an ordinance or decision of general

application, the standard shall be an actual conflict of interest, since it is in the nature of the system of City government that various conflicting views and interests be represented in any vote on an ordinance or policy of general application.

Conflict of interest shall include both personal and financial conflicts. A “personal interest” is an interest arising from blood or marriage relationships, or from close business or political association. A “financial interest” means any monetary interest in a contract before the City, or a direct financial interest in the matter through the ownership of stocks, bonds, notes, or other securities.

- B. If a public official determines that they have a disqualifying conflict of interest, they shall bring it to the attention of the Council, Board, or Commission at the time that consideration of the matter is before that body. The public official shall then recuse themselves from any further discussion or action regarding that matter. If they so choose, they may leave the table and be seated in the audience, where they have the same rights as any other citizen.

In the event that the chair, or any other member of the Council, Board, or Commission, reasonably believes that another member has a disqualifying conflict of interest, they may raise the matter with the member who has a perceived conflict of interest. In the event that the member does not believe that a conflict exists, and will not voluntarily recuse themselves, the matter may be called to a vote of the affected body. Notwithstanding that vote, it will still be up to the affected member to voluntarily recuse themselves or not recuse themselves.

With the understanding that a failure to recuse may have legal implications in a matter where the vote directly affects the rights of an individual in a matter before the City Council, in such a case, the Council may request that the City Attorney render an opinion as to whether or not the conflict of interest alleged exists, and whether or not it is a disqualifying conflict of interest.

- C. A conflict of interest shall include, but shall not necessarily be limited to the following:
1. Holding a private or other public position in addition to the person’s primary public position which interferes with the proper discharge of public duty.
 2. Use of confidential information, obtained as a result of public position, for personal gain.
 3. Soliciting of personal gifts and favors.
 4. Use of official position for personal gain.

5. Holding investments which will interfere with the proper discharge of public duty.
 6. Representation for profit of private interests before City governmental agencies.
 7. Participation as a public representative in a business transaction in which the person has a direct or indirect financial or other personal interest, without full disclosure.
 8. Personal interest in any matter which prevents the person from properly fulfilling their public duty.
- D. Notwithstanding any provision of this chapter to the contrary, no person subject to this chapter shall directly or indirectly solicit any gift or accept or receive any gift of substance whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstance in which it could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. (Ord. 97-13, Oct. 13, 1977)

2-1-5: DISCLOSURE:

- A. Any Council member, Board member, or Commission member, prior to consideration of any matter affected by the section, shall disclose to the body on which he serves any fact or circumstance constituting a conflict of interest as set forth in this Code. If the matter is of such a nature that the member does not wish to specifically state the facts or circumstances of the conflict, they may state simply that they have a conflict.
- B. In the event that the conflict of interest is a disqualifying conflict of interest, the member shall recuse themselves from any discussion or action regarding the issue in front of the body.
- C. All Council members, Board members, or Commission members are encouraged to recuse themselves in any situation where facts and circumstances would lead an objective observer to the reasonable conclusion that a conflict of interest may exist. (Ord. 97-13, Oct. 13, 1977)

2-1-6: CITY COUNCIL ENFORCEMENT: Failure of any Commission or Board member to properly recuse themselves in a conflict of interest situation, may result in City Council initiated removal from the public body. (Ord. 97-13, Oct. 13, 1977)

SECTION 2
OFFICIAL BONDS

Section:

2-2-1 Bond Required
2-2-2 Executed Bond
2-2-3 Official Duties
2-2-4 City Bond
2-2-5 Premiums

2-2-1: BOND REQUIRED: The following officers and employees of the City of Otsego, before entering upon the discharge of their duties, shall each execute and furnish an official bond, the respective amounts thereof to be as follows: (Ord. 95-15, April 24, 1995)

City Clerk	\$100,000.00
Deputy City Clerk	\$100,000.00
City Treasurer	\$100,000.00
Director of Business and Finance	\$100,000.00

2-2-2: EXECUTED BOND: The official bonds of all officers and employees shall be executed in favor of the City of Otsego, Minnesota, and shall be approved and filed as required by law. (Ord. 95-15, April 24, 1995)

2-2-3: OFFICIAL DUTIES: The official bond of each officer and employee shall be executed in such form as to require the faithful performance of official duties and the proper application of, and payment upon demand for, all monies officially received by each such officer and employee. (Ord. 95-15, April 24, 1995)

2-2-4: CITY BOND: The official bond of each officer and employee required to be furnished shall be covered by a blanket bond obtained by the City. (Ord. 95-15, April 24, 1995)

2-2-5: PREMIUMS: The premiums for the official bonds shall be paid from the general fund of the City. (Ord. 95-15, April 24, 1995)

SECTION 3

MAYOR AND CITY COUNCIL SALARIES

Section:

- 2-3-1 Compensation
- 2-3-2 Additional Compensation

2-3-1: COMPENSATION:

- A. The salary of the Mayor shall be \$4,200.00 per year (\$350.00 per month) and the salary of each City Council member shall be \$3,600.00 per year (\$300.00 per month).
- B. The Mayor and City Council members as of 1 September 2015 shall be compensated in the amount of \$45.00 for each special City Council meeting attended, each meeting of any established committee or commission which the Mayor or any City Council member is the appointed liaison or alternate, any meeting with the City Administrator and City Attorney to discuss or receive information related to City legal issues, any City sponsored event or any private event, tour or function where the Mayor or Council Member is attending as representative of the City, any public hearing of a City board or commission, any meeting of another political subdivision, State Agency or committee or the State legislature where the Mayor or City Council Member is appearing or functioning as a representative of the City and any other meeting , event or function which the City Council has directed or authorized the Mayor or any City Council member to attend either prior to or after the meeting, event or function has occurred.
- C. The Mayor and City Council members shall also receive reimbursement for expenses related to attendance at said additional meetings as well as any other functions which they are authorized to attend on behalf of the City, including mileage costs at the then applicable IRS rate.
- D. The Mayor or City Council members shall submit written claims to the City Clerk for compensation and for reimbursement expenses. The claims shall be approved by the City Council at a regularly scheduled or special City Council meeting held after submission of the claim. (Ord. 2015-06, August 24, 2015)

2-3-2: ADDITIONAL COMPENSATION: **2-3-2:** In addition to that compensation listed above, the Mayor and Council members shall receive as compensation for attendance at workshops, seminars, or conventions \$150.00 for each day of attendance or \$75.00 for each half day of attendance plus reimbursement for

expenses related to attendance including mileage costs at the then applicable IRS rate. Written claims for all additional compensation and related expenses shall be submitted to the City Clerk. (Ord. 2015-06, August 24, 2015)

SECTION 4
FEE SCHEDULE

Section:

2-4-1 Purpose
2-4-2 Fee Schedule

2-4-1: Purpose: The purpose of this section is to establish certain fees for the delivery of services and processing of various permits and licenses as established by the Otsego City Code to equitably allocate administrative costs to those generating the demand or utilizing the service. (Ord. 2005-02, February 28, 2005)

2-4-2: Fee Schedule: The City Council hereby establishes the following schedule of fees:

A. Licenses:

1. Liquor:

a.	3.2 Liquor (on-sale):	\$100.00
b.	3.2 Liquor (off-sale):	\$100.00
c.	Club:	\$75.00
d.	Intoxicating Liquor (on-sale):	\$4,500.00
e.	Intoxicating Liquor (off-sale):	\$150.00
f.	Intoxicating Liquor (Sunday):	\$200.00
g.	Investigation Fee (single):	\$500.00
h.	Investigation Fee (corporation):	\$500.00
i.	Set-ups:	NO COST
j.	Wine:	\$150.00
k.	Temporary Non-Intoxicating Liquor:	\$50.00 per day
l.	Temporary Intoxicating Liquor:	\$50.00 per day

m.	Premises Extension Permit (on-sale):	\$75.00
n.	Small-Brewer, Off-Sale:	\$150.00
o.	Brewpub License:	\$150.00
p.	Taproom License:	\$150.00
q.	Special Meeting:	\$500.00 plus cost incurred.
2.	Garbage Hauler:	\$50.00
3.	Peddlers, Solicitors, Transient Merchant:	
a.	License:	\$100.00/applicant
4.	Rental Housing License:	
a.	License (initial/renewal):	\$150.00/du
b.	Inspections:	\$50.00/hour (minimum 1 hour) after two inspections for initial license or renewal.
5.	Pawnbrokers, precious metals dealers and/or Second hand good dealers:	
a.	Annual License:	\$500.00
b.	Investigation Fee:	\$200.00 + costs incurred
c.	Reportable Transaction Fee:	\$50.00/transaction
d.	Daily Reporting Penalty:	\$50.00/day
B.	Permits:	
1.	Building Permit:	
a.	Building Permit Fees:	

<u>Total Valuation</u>	<u>Fee</u>
\$1.00 to \$1,200.00	\$50.00
\$1,201.00 to \$2,000.00	\$50.00 for the first \$500.00 plus \$3.27 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$76.18 for the first \$2,000.00 plus \$15.40 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$430.38 for the first \$25,000.00 plus \$11.11 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$708.13 for the first \$50,000.00 plus \$7.70 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,093.13 for the first \$100,000.00 plus \$6.16 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,557.13 for the first \$500,000.00 plus \$5.23 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,169.63 for the first \$1,000,000.00 plus \$4.02 for each additional \$1,000.00, or fraction thereof

- b. State of Minnesota Surcharge: A surcharge fee shall be collected on all permits issued for work governed by Chapter 4, Section 1 of the City Code in accordance with Minnesota Statutes §16B.70.
- c. Electrical Permit: The fees schedule set forth in Minnesota Statutes § 326B.37 is adopted by reference and incorporated herein.

- d. Special Investigation Fee: The fee for a special investigation shall be equal to (but in addition to) the building permit fee.
- e. Water Connection Charge: \$1,613.00/REC
- f. Sewer Connection Charge: \$6,932.00 /REC
- g. Water Meter Assembly (including sales tax):
 - 1. 5/8" \$442.00/ea
 - 2. 1" \$615.00/ea
 - 3. 1 1/2" \$745.00/ea
 - 4. 2" \$938.00/ea
 - 5. Over 2" QUOTE
- h. Other Permit Fees (Flat Fee):

Item	Fee	Surcharge	Total
Fireplace	\$50.00	\$1.00	\$51.00
Roof	\$150.00	\$1.00	\$151.00
Siding	\$150.00	\$1.00	\$151.00
Windows	\$50.00	\$1.00	\$51.00
Furnace	\$50.00	\$1.00	\$51.00
Air Conditioner	\$50.00	\$1.00	\$51.00
Furnace and Air Conditioner (same house)	\$75.00	\$1.00	\$76.00
Septic Install/Repair	\$150.00	\$0.00	\$150.00

- i. Construction Escrows:
 - (1) Landscape/As-Built Grading: \$3,000/lot (minimum)
 - (2) Driveway/Sidewalk: \$2,000/lot (minimum)
- 2. Burning Permit: NO COST
- 3. Fence Permit:
 - a. Basic permit: \$50.00

- b. Easement encroachment: \$100.00
- 4. Home Occupation Permit: \$50.00
- 5. Sign Permit: \$50.00
- 6. Sewer and Water Hook-Up Inspection: \$50.00/hr.
- 7. Swimming Pool Administrative Permit: \$50.00
- 8. Lawful Gambling Permits:
 - a. State Permit: \$100.00
 - b. Local Permit: \$100.00
- 9. Archery Permit: NO COST
- 10. Play Field Use:
 - a. City Sponsored Users: No Charge
 - b. Recognized Youth Associations:
 - (1) Ballfield: \$75.00/seasonal field assignment
 - (2) Soccer 4v4:
 - (a) Non-irrigated: \$50.00/seasonal field assignment
 - (b) Irrigated: \$70.00/seasonal field assignment
 - (3) Soccer (full size field): \$100.00/seasonal field assignment
 - c. All Other Users:
 - (1) Monday-Thursday:
 - (a) Baseball: \$50.00/field/day
 - (b) Field game: \$50.00/field/day
 - (2) Saturday/Sunday:
 - (a) Baseball: \$100.00/field/day

- (b) Field game: \$100.00/field/day
 - d. Other charges:
 - (1) Public Works staff/equipment: Per Sec. 2-4-2.E.13
 - (2) Portable toilets/trash containers: Cost incurred.
 - (3) A deposit for clean-up of the site and or equipment replacement may be required in an amount approved by the Parks and Recreation Commission.
- 11. Prairie Park Shelter:
 - a. Weekdays: \$10/reservation period
 - b. Weekends/Holidays: \$20/reservation period
- 12. Prairie Center:
 - a. Assembly Room:
 - (1) Entire room:
 - (a) Resident: \$35.00/hr. + sales tax
 - (b) Non-Resident: \$50.00/hr. + sales tax
 - (2) Carpet side only:
 - (a) Resident: \$20.00/hr. + sales tax
 - (b) Non-Resident: \$30.00/hr. + sales tax
 - (3) Tile side only:
 - (a) Resident: \$20.00/hr. + sales tax
 - (b) Non-Resident: \$30.00/hr. + sales tax
 - b. Conference Room 1(Fireplace):
 - (1) Resident: \$20.00/hr. + sales tax
 - (2) Non-Resident: \$30.00/hr. + sales tax

- c. Conference Room 2 (Northeast):
 - (1) Resident: \$15.00/hr. + sales tax
 - (2) Non-Resident: \$20.00/hr. + sales tax
 - d. Conference Room 3 (Small):
 - (1) Resident: \$10.00/hr. + sales tax
 - (2) Non-Resident: \$15.00/hr. + sales tax
 - e. Conference Room 4 (Southwest):
 - (1) Resident: \$20.00/hr. + sales tax
 - (2) Non-Resident: \$30.00/hr. + sales tax
 - f. Kitchen:
 - (1) Resident: \$10.00/hr. + sales tax
 - (2) Non-Resident: \$15.00/hr. + sales tax
 - g. There shall be a \$15.00/hour surcharge for room rentals after 5:00PM Monday through Thursday, after 12:00 Noon on Friday or on Saturday and Sunday.
 - h. The City may charge additional fees (and sales tax when required) for a security officer to be present or unusual or extra-ordinary services or facilities as determined by the Parks and Recreation Manager.
 - i. Nonprofits serving the Otsego area will have the opportunity to rent space at Prairie Center once per month for a fee of 50% of the regular residential fee rate for that space.
-
- 13. Special Event Permit: \$200.00
 - 14. Outdoor Entertainment Permit:
 - a. Single Event: \$50.00
 - b. Reoccurring event on same day(s) of week each calendar year: \$50.00

C. Development Applications:

1. Zoning Amendment (map or text):

a.	Base Fee:	\$ 500.00
b.	Escrow:	\$1,000.00
c.	Total:	\$1,500.00

2. Variance:

a.	Base Fee:	\$ 500.00
b.	Escrow:	\$1,000.00
c.	Total:	\$1,500.00

3. Conditional Use Permit:

a.	Base Fee:	\$ 500.00
b.	Escrow:	\$1,000.00
c.	Total:	\$1,500.00

4. Interim Use Permit:

a.	Base Fee:	\$ 500.00
b.	Escrow:	\$1,000.00
c.	Total:	\$1,500.00

5. Administrative Permit:

a.	Base Fee:	\$ 200.00
b.	Escrow:	\$ 400.00
c.	Total:	\$ 600.00

6. Site Plan Review:

a.	Base Fee:	\$ 200.00
b.	Escrow:	\$1,000.00
c.	Total:	\$1,200.00

7. Sketch Plan:

a.	Base Fee:	\$ 500.00
b.	Escrow:	\$2,800.00
c.	Total:	\$3,300.00

8. Preliminary Plat:

	a.	Base Fee:	\$ 500.00
	b.	Escrow:	\$3,000.00
	c.	Total:	\$3,500.00
9.		Final Plat:	
	a.	Base Fee:	\$ 500.00
	b.	Escrow:	\$3,000.00
	c.	Total:	\$3,500.00
10.		Administrative Subdivision:	
	a.	Base Fee:	\$200.00
	b.	Escrow:	\$300.00
	c.	Total:	\$500.00
D.		Development Fees:	
1.		Collector Street Access:	
	a.	Sand Soils:	\$1,460.00/unit
	b.	Clay Soils:	\$1,725.00/unit
	c.	Maclver Avenue:	\$1,690.00/unit
2.		Water Availability Charge	\$1,613.00 /REC
3.		Sewer Availability Charge:	\$2,310.00 /REC
4.		Storm Water Impact:	
	a.	Lefebvre Creek:	\$2,180.00/gross acre
	b.	Otsego Creek:	\$3,290.00/net acre
	c.	North Mississippi Watershed:	\$10,685.00/gross acre
5.		Park and Trail Fee in Lieu of Land Dedication:	
	a.	Residential Development:	\$4,000.00/du
	b.	Commercial Development:	\$7,000.00/gross acre
	c.	Industrial Development:	\$3,500.00/gross acre

6.	CSAH 39/TH 101 AUAR:	\$280.00 / gross acre
E.	General Government Services:	
1.	General Labor (minimum 15 min.):	\$30.00/hour
2.	Copies:	
	a. Letter, legal, ledger:	\$0.25/per sheet
	b. Larger scale prints:	\$10.00/per sheet
3.	Fax:	\$0.25/per page
4.	Legal and PIN/PID information:	\$35.00/parcel
5.	Zoning Confirmation Letter:	\$60.00/parcel
6.	Lot Dimension:	\$35.00/parcel
7.	Special Assessment Search:	\$35.00/parcel
8.	Septic Search:	\$35.00/parcel
9.	Returned Check Fee:	\$30.00
10.	Assessment Administration Fee:	\$100.00/parcel
11.	Assessment Roll Copy:	\$100.00
12.	Inspection Fee:	
	a. Fire Sprinkler Inspections:	
	1. Residential (townhomes) foot	\$1.50/per square
	2. Commercial	Based on valuation
	b. Other (non-permit) Building Safety Inspections:	\$150.00 + \$75 for each re-inspection
	c. Biannual Fire Inspection (commercial, industrial, and institutional uses):	No Charge for the first two inspections

/ costs incurred for any other inspection.

d. FOG Interceptor/Separator Inspection:

No charge for the first two inspections when conducted with required fire inspection / costs incurred for any other inspection.

13. Public Works (not otherwise specified):

a. Labor per Employee:

\$50.00/hour + overtime per City policy.

b. Equipment:

- | | | |
|------|-----------------------------|--------------|
| (1) | Tandem Axle Truck: | \$30.00/hour |
| (2) | Single Axle Truck: | \$25.00/hour |
| (3) | Loader: | \$50.00/hour |
| (4) | Grader: | \$50.00/hour |
| (5) | Cat 305 Excavator: | \$30.00/hour |
| (6) | JD 320D Skid Loader: | \$25.00/hour |
| (7) | Skid Loader with Attachment | \$30.00/hour |
| (8) | Tractor with 3-Point: | \$20.00/hour |
| (9) | Tractor with Attachment: | \$25.00/hour |
| (10) | Power Tools: | |
| | (a) Weed Whip: | \$5.00/hour |
| | (b) Chain Saw: | \$5.00/hour |
| | (c) Blower: | \$5.00/hour |

	(11) Jet-Vac:	\$110.00/hour
	(12) JD 1545 w/ snowblower:	\$25.00/hour
	(13) Street Sweeper:	\$35.00/hour
c.	Sandbags/Sand:	\$10.00 / bundle of 30 sandbags
d.	Items Not Listed:	
	(1) City Equipment:	FEMA Schedule of Equipment Rates
	(2) Rental:	Costs Incurred
e.	Minimum Charge:	One (1) hour
14.	Expenses, services, supplies:	Actual Cost + 15%
F.	Documents:	
	1. City Map:	\$5.00
	2. Zoning Map – Large Scale:	\$10.00
	3. Zoning Map – Small Scale:	\$5.00
	4. Floodplain Map:	NO COST
	5. Other Documents:	Costs incurred + 15%
G.	Animals:	
	1. Impound Fees:	All costs incurred.
	2. Fowl Keeping License:	\$20.00
H.	Public Safety:	
	1. Administrative Enforcement Civil Penalties:	
	a. Class A (animal violations):	\$50.00
	b. Class B (Zoning (except signs) violations)	\$200.00
	c. Class C (nuisance, Signs Ordinance, business	

- license, and building regulation violations): \$200.00
- d. Nuisance Abatement Fee: \$200.00 + costs incurred
- 2. False Alarm Charge:
 - a. Fire: No charge for first three (3) alarms, 200.00 for fourth alarm, \$200.00 + \$50.00 for each successive alarm per calendar year.
 - b. Other: No charge for first three (3) alarms, \$50.00 for fourth alarm, \$100.00 for each successive alarm per calendar year.
- 3. Fire Service Charges:
 - a. Mutual Aid:
 - (1) Agriculture, Residential Building, Vacant Parcel: Cost Incurred
 - (2) Commercial, Industrial, Institutional Building: Cost Incurred
- 4. R.O.W. Sign Recovery Fee: \$5.00/sign
- I. Engineering:
 - 1. Mineral Extraction: \$0.10 per cubic yard mined per calendar year
 - 2. Wetland Delineation Review: \$2,000.00 escrow
 - 3. Water Tower Lease Review: \$1,500.00 escrow
 - 4. Street Sign (sign + installation of new sign): \$250.00/sign
 - 5. Certification of Grading:
 - a. Initial Survey Review: \$150.00/lot
 - b. Each Re-Inspection: \$125.00/lot
 - 6. Petition for R.O.W. or Easement Vacation:
 - a. Base Fee: \$500.00
 - b. Escrow: \$1,000.00
 - c. Total: \$1,500.00

7. R.O.W. Permit:
 - a. Excavation Fee: \$200.00 + costs incurred
 - b. Obstruction Fee: \$2.50/linear foot
8. Site Development (Grading) Permit:
 - a. Under one (1) acre: \$200.00 escrow
 - b. One (1) acre up to five (5) acres: \$500.00 escrow
 - c. More than five (5) acres: \$1,000.00 escrow
9. GIS Data Entry:
 - a. Residential: \$100.00/ac
 - b. Commercial, Industrial, Other: \$ 250.00/lot
- J. Public Utilities:
 1. Municipal Water and Sewage Usage Rates:
 - a. Water and sewer usage rates are established by the City Council with passage of a separate resolution on an annual basis. Any usage rate increases will be effective with the March billing.
 2. Watering Ban Violation Fee: \$50.00
 3. Delinquent Account Administration Fee: \$100.00
 4. Water Disconnect/Reconnect At Service Valve Fees:

A minimum of \$75.00 will be charged, which includes one hour of labor. Additional labor will be charged in 15 minute increments at the Public Works labor rate. Equipment and material charges

will apply as
necessary.

5. Annual Storm water District Utility Fee for lots final platted after November 15, 1990:
 - a. Agricultural Districts:
 - (1) A-2 District: \$29.00/parcel
 - b. Residential Districts:
 - (1) R-C, R-1, R-2, R-3 Districts: \$29.00/lot
 - (2) R-4A, R-4 Districts: \$15.00/lot
 - (3) R-5 Districts: \$12.00/unit
 - (4) R-MH District: \$8.00/unit
 - (5) R-6 District: \$6.25/unit
 - (6) R-7 District: \$2.85/unit
 - c. Business Districts: \$64.00/gross acre
 - d. Industrial Districts: \$64.00/gross acre
6. Standard Street light (new installation) \$2,000.00/unit
7. Above Standard Street Light Operations and Maintenance Rates:
 - a. Commercial: \$144.36 acre/year
(Ordinance 2015-13, adopted December 14, 2015)

SECTION 5

ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

Section	
2-5-1	Purpose and Intent
2-5-2	Definitions
2-5-3	Procedure
2-5-4	Appeal to Hearing Officer
2-5-5	Appeal of Hearing Officer Decision
2-5-6	Failure to Pay
2-5-7	Subsequent Violations

2-5-1: PURPOSE AND INTENT: The Administrative enforcement procedures established within this Chapter are intended to provide the City of Otsego with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the adopted City Code. The City of Otsego retains the right, at its sole discretion, to enforce provisions of this Code by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that that such a process is a legitimate and necessary alternative method of enforcing Code violations. (Ord. 2004-15, June 14, 2004)

2-5-2: DEFINITIONS:

Code Compliance Officer. Is any officer of the Wright County Sheriff's Department, any employee of the City of Otsego, or any person or company contracted to provide code enforcement services who has received official authority by the Otsego City Council to enforce the City Code. There may be more than one person designated as Code Compliance Officer at any given time.

Code Offense. Is a violation of any section, subdivision, paragraph or provision of the Otsego City Code and is subject to a civil penalty determined according to a schedule adopted by Resolution of the Otsego City Council from time to time and payable directly to the City Treasurer. Each day the violation exists constitutes a separate Code Offense.

Owner. Is an individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

Person. Means a natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization. (Ord. 2004-15, June 14, 2004)

2-5-3: PROCEDURE:

- A. **Administrative Notice.** A Code Compliance Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected or known to have committed a Code Offense and/or to be the owner of property upon which a Code Offense is being committed. The Administrative Notice shall identify the Code Offense, the location upon which the Code Offense occurred or is occurring, and the recommended corrective action for the Code Offense. The Administrative Notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, up to fifteen (15) days to correct or abate the Code Offense. If the alleged violator and/or owner of property upon which a Code Offense is being committed is unable to correct or abate the Code Offense within the prescribed time, that person may request in writing an extension of no more than thirty (30) additional days from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration. If the Code Offense is not corrected or abated, as outlined in the Administrative Notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided below.
- B. **Citation.** A Code Compliance Officer is authorized to issue a citation upon the belief that a Code Offense has occurred, whether or not an Administrative Notice has first been issued in regard to said Code Offense. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail. Said citation shall state the nature of the Code Offense, the time and date said Code Offense occurred, the civil penalty applicable to that Code Offense as set forth in a schedule of civil penalties which shall be adopted by Resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.
- C. **Responding to a Citation / Payment.** Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall , within fifteen (15) days of the time of issuance of the citation , either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this Section. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. Payment of the civil penalty shall be deemed to be an admission of the Code Offense. (Ord. 2004-15, June 14, 2004)

2-5-4: APPEAL TO HEARING OFFICER:

- A. **Requesting a Hearing.** Any person contesting a citation issued pursuant to this Chapter may, within fifteen (15) days of the time of issuance of the citation, request a hearing before a Hearing Officer. Any request for a hearing before a Hearing Officer shall be made in writing on a form provided by the City for such a request and either delivered personally to the City at City Hall or mailed to the City by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. The hearing shall be held at City Hall within thirty (30) days of the date the City received a timely written notice that a hearing has been requested. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. A determination of good cause shall be made by the Hearing Officer, but does specifically not include forgetfulness or intentional delay.

- B. **Hearing Officer.** The City Council shall by Resolution from time to time appoint a list of persons authorized to act as a Hearing Officer. The Hearing Officer is authorized to conduct an informal hearing to determine if a Code Offense has occurred. The Hearing officer may be compensated by the City for such hearings and related findings. The Hearing Officer shall have the authority to uphold or dismiss the citation or reduce, stay or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine. The Hearing Officer's decision shall be made in writing on a form provided by the City for such purpose. A copy of the Hearing Officer's decision shall be served by United States first class mail upon the person requesting the hearing. The Hearing Officer's decision is final, except for appeal of the Hearing Officer's decision in limited cases to the City Council, as set forth below.

- C. **Conduct of Hearing.** At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The Hearing Officer shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply. The Hearing Officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. (Ord. 2004-15, June 14, 2004)

2-5-5: APPEAL OF HEARING OFFICER DECISION:

- A. The Hearing Officer's decision shall be appealable to the City Council only for the following matters:
 - 1. an alleged failure to obtain a required permit, license, or other approval from the City Council as required by the City Code;

2. an alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the City Council; or
 3. an alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
- B. An appeal to the City Council of the Hearing Officer's decision must be made in writing on a form provided by the city for such an appeal and must be served on the City Clerk by United States first class mail, postage prepaid, within ten (10) days after the date of the Hearing Officer's decision.
- C. A timely appeal will be heard by the City Council after a notice of hearing is served by the City upon the appellant in person or by certified mail at least ten (10) days in advance of the date of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Officer's decision.
- D. The City Council shall consider the record, the Hearing Officer's decision, and any additional arguments before making a determination. The City Council is not bound by the Hearing Officer's decision, but may adopt all or part of the Hearing Officer's decision. The City Council's decision may be voted upon and given at the hearing or may be given in writing within fifteen (15) days of the hearing.
- E. The failure of the appellant to appear in front of the City Council or participate in the appeal constitutes a waiver of the violator's right of appeal and an admission of the violation. The Council may waive the result upon good cause shown. The determination of a showing of good cause shown shall be made solely at the discretion of the City Council but does not include forgetfulness and intentional delay. (Ord. 2004-15, June 14, 2004)

2-5-6: FAILURE TO PAY:

- A. In the event a person charged with a Code Offense fails to pay the civil penalty and correct or abate the Code Offense for which a citation was issued within the prescribed time, a late charge of fifteen percent (15%) shall be imposed thereon for each seven (7) days the civil penalty remains unpaid and the Code Offense remains uncorrected or unabated beyond the due date.
- B. An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued and the City shall have the right to collect such unpaid civil penalty and accrued late charges, together with the City's costs and reasonable attorney's fees, in criminal or civil proceedings.

- D. Pursuant to Minn. Stat. Chapter 429.101., Minn. Stat. Chapter 514.67 and other applicable law, a lien in the amount of the civil penalty and any accrued late charges may be assessed against the property where the Code Offense occurred and collected in the same manner as taxes. Any such assessment shall not preclude the City from issuing additional citations for a continuing Code Offense, nor shall it preclude the City from making additional assessments against the same property resulting from a continuing or new Code Offense.
- E. The City may suspend or revoke a license or permit or other approval associated with the Code Offense if the civil penalty and accrued late charges are not timely paid. (Ord. 2004-15, June 14, 2004)

2-5-7: SUBSEQUENT VIOLATIONS: If a second citation for a Code Offense is issued by the City to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by twenty-five percent (25%) over the scheduled civil penalty amount. If a third citation for a Code Offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by 50% over the scheduled civil penalty amount. If a fourth citation for a Code Offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty-four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by one hundred percent (100%) over the scheduled civil penalty amount. (Ord. 2004-15, June 14, 2004)

SECTION 6

IDENTITY THEFT PREVENTION PROGRAM

Section:

2-6-1	Purpose
2-6-2	Definitions
2-6-3	Application
2-6-4	Red Flags
2-6-5	Administration

2-6-1: PURPOSE:

- A. The City of Otsego has developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 by implementing reasonable procedures to:
1. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the Program;
 2. Detect red flags that have been incorporated into the Program;
 3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
 4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.
- B. A degree of confidentiality regarding the City's specific practices relating to identity theft detection, prevention and mitigation is required to ensure the effectiveness of the Identity Theft Prevention Program. Therefore, only the City's general practices related to implementation of red flag detection, prevention and mitigation are listed in this Section. Any documents that may have been produced or are produced in order to develop or implement the Identity Theft Prevention Program established by this Section that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the City's identity theft prevention efforts in order to facilitate the commission of identity theft. (Ord. No. 2008-20, October 27, 2008)

2-6-2: DEFINITIONS: The following words and terms shall be defined as follows for the purposes of this Section:

Account Owner. The individual or business that has applied for an account with the City of Otsego and is responsible for transactions made in connection with said account.

Covered Account. A continuing relationship established by a person or business that involves or is designated to permit multiple financial payments or transactions for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from identity theft.

FACT Officer. The individual designated by the City Council as the Fair and Accurate Credit Transactions Officer responsible for administering the Identity Theft Prevention Program.

Identity Theft. A fraud attempted or committed using identifying information of another person without authority.

Red Flag. A pattern, practice or specific activity that indicates the possible existence of identity theft.

Service Provider. A third party that provides a service directly to or on behalf of the City of Otsego. (Ord. No. 2008-20, October 27, 2008)

2-6-3: APPLICATION: The following accounts established with the City shall be deemed to be covered accounts subject to the provisions of this Section.

- A. Utility accounts established in accordance with Section 6-2-2 of the City Code. (Ord. No. 2008-20, October 27, 2008)

2-6-4: RED FLAGS:

- A. **Identification.** The City will consider the following risk factors in identifying red flags for covered accounts as appropriate:
 1. The types of covered accounts it offers or maintains.
 2. The methods it provides to open covered accounts.
 3. The methods it provides to access covered accounts.

4. Previous experience with identity theft including, but not limited to:
 - a. Prior instances of identity theft.
 - b. Methods of identity theft that reflect changes in risk.
 - c. Applicable supervisory guidance.

B. Categories. Red flags shall include, but are not limited to:

1. The presentation of suspicious documents:
 - a. Documents provided for identification that appear to have been altered or forged.
 - b. Information in the document is inconsistent with information previously provided by the person when opening a new account.
 - c. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.
2. The presentation of suspicious personal information:
 - a. Presentation of personal identifying information that is not consistent with other personal identifying information provided by the individual.
 - b. Presentation of personal identifying information is associated with known fraudulent activity as indicated by internal or third party sources used by the City.
3. The unusual use of, or other suspicious activity related to, a covered account:
 - a. Mail sent to the account owner is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the covered account.
 - b. The City is notified that the account owner is not receiving account statements mailed by the City.
 - c. The City is notified of unauthorized charges or transactions in connection with a covered account.

4. Notification from account holders, victims of identity theft, law enforcement agencies or other persons regarding possible identity theft in connection with covered accounts.
- C. **Detection.** The City will incorporate procedures for the detection of red flags in connection covered accounts by:
1. Obtaining identifying information of a person prior to establishing a new account.
 2. Monitoring transactions in connection with covered accounts for suspicious activities.
- D. **Response.** The City will document a response to all red flags detected, commensurate with the degree of risk posed.
1. The City will consider factors that may heighten the risk of identity theft in determining an appropriate response to detection of a red flag including, but not limited to, the categories outlined in Section 2-6-4.B of this Section.
 2. Appropriate responses by the City when a red flag is detected include, but are not limited to:
 - a. Monitoring a covered account for evidence of identity theft.
 - b. Contacting the account owner.
 - c. Changing any passwords, security codes or other security devices that permit access to a covered account.
 - d. Reopening a covered account with a new account number.
 - e. Closing an existing covered account.
 - f. Not opening a new covered account.
 - g. Not attempting to collect on a billing connected with a covered account or not selling a covered account to a debt collector.
 - h. Notifying the Wright County Sheriff, Attorney General of the State of Minnesota, or other law enforcement agencies.
 - i. Determining that no response is required based on the specific circumstances related to the red flag.

3. The FACT Officer shall advise the City Council of the red flag and the City's response. (Ord. No. 2008-20, October 27, 2008)

2-6-5: ADMINISTRATION: The FACT Officer shall be responsible for administration of the Identity Theft Prevention Program and is expected to:

- A. Assign specific responsibilities for implementation of the Identity Theft Prevention Program.
- B. Train appropriate City staff in the detection of red flags and the responsive steps to be taken when a red flag is detected.
- C. Whenever the City engages a service provider to perform an activity subject to the provisions of this Section, the FACT Officer will ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate identity theft.
- D. Review, prepare and provide at least annually reports to the City Council on the City's compliance with the Identity Theft Prevention Program, the effectiveness of the procedures, significant incidents involving identity theft and the City's response and recommendations for amendments to the Identity Theft Prevention Program as may be appropriate.
- E. Recommendations by the FACT Officer for amendment of the Identity Theft Prevention Program shall reflect changes in risks to account owners or to the safety of the City from identity theft based on factors such as:
 1. The experiences of the City with identity theft.
 2. Changes in methods of identity theft.
 3. Changes in methods to detect, prevent and mitigate identity theft.
 4. Changes in the types of accounts the City offers or maintains.
 5. Changes in the business arrangements of the City, including establishment of joint powers agreements or contracts with service providers. (Ord. No. 2008-20, October 27, 2008)

SECTION 7

CITY OFFICERS AND EMPLOYEES

Section:

2-7-1 City Clerk and City Treasurer

2-7-1: CITY CLERK AND CITY TREASURER:

- A. Separate offices of the City Clerk and City Treasurer are hereby established pursuant to Minnesota Statute 412.02, Subd. 3.
- B. The accounting duties of the City Clerk are delegated to the City Treasurer and the City Council shall provide for an annual audit of the City's financial affairs in accordance with the minimum procedures prescribed by the State Auditor.
- C. The City Clerk and City Treasurer shall be appointed by resolution of the City Council.

(Ord. No. 09-05, May 26, 2009)

SECTION 8

CRIMINAL BACKGROUND INVESTIGATIONS

Section:

- 2-8-1: Purpose
- 2-8-2: Applicants for City Employment
- 2-8-3: Applicants for City Appointment and City Volunteers
- 2-8-4: Applicants for City License
- 2-8-5: Others
- 2-8-6: Process
- 2-8-7: Non-Employment Applicants
- 2-8-8: Employment Applicants
- 2-8-9: Identification
- 2-8-10: Additional Conditions

2-8-1: PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement or City access to Minnesota's Computerized Criminal History information for the purpose of undertaking employment, appointment, volunteer or other background investigations for positions described in this Section and licensing background checks. (Ordinance 2015-03, adopted April 13, 2015)

2-8-2: APPLICANTS FOR CITY EMPLOYMENT: The City shall conduct a criminal history background investigation, including criminal data authorized under the Child Protection Background Check Act (State Statute 299C.61 and 62), on the applicants for all full and part-time employment positions with the City. All employees hired on or after the adoption of this Section on April 13, 2015 shall be subject to additional periodic criminal history background investigations at least yearly or more often at the discretion of the City during the term of their employment. (Ordinance 2015-03, adopted April 13, 2015)

2-8-3: APPLICANTS FOR CITY APPOINTMENTS AND CITY VOLUNTEERS: The City shall conduct a criminal history background investigation, including criminal data authorized under the Child Protection Background Check Act (State Statute 299C.61 and 62), on those applicants the City Council deems such investigation to be necessary based upon anticipated interaction with children, seniors or vulnerable persons or for any other reason or as a matter of general practice, as determined at the sole discretion of the City. Recreation volunteers may be excluded if the volunteer activity is only for a short period of time and the Recreation Department determines at its discretion that the background investigation is not necessary in light of the circumstances. This provision specifically excludes members elected or appointed to the City Council. Those persons appointed by the City Council or approved as

volunteers by the City on or after the adoption of this Section on April 13, 2015 shall be subject to additional periodic criminal history background investigations at least yearly or more often at the discretion of the City during the term of their appointment and service to the City. (Ordinance 2015-03, adopted April 13, 2015)

2-8-4: APPLICANTS FOR CITY LICENSES: The City shall conduct a criminal history background investigation on the applicants for the following licenses within the City:

A. Criminal History Background Investigation:

1. 3.2 Percent Malt Liquor.
2. Intoxicating Liquors.
3. Sunday Liquor.
4. Lawful Gambling.
5. Pawn and Second Hand Goods Business.

B. Criminal History Background Investigation including criminal data authorized under the Child Protection Background Check Act (State Statute 299C.61 and 62):

1. Peddlers, Solicitors and Transient Merchants. (Ordinance 2015-03, adopted April 13, 2015)

2-8-5: OTHERS:

A. The City shall conduct a criminal history background investigation, including (when appropriate) criminal data authorized under the Child Protection Background Check Act (Minnesota State Statute 299C.61 and 620) on the following:

1. Persons employed by or representing entities contracted by the City to perform work that relates to City utilities or City utility structures where the work requires the person to be on-site at the utility or structure or on City property.
2. Persons employed by or representing entities contracted by the City to perform work on City computer or City security systems where the work requires access to the computer or security system or any other service that the City, at its sole discretion, determines that a criminal background

investigation is appropriate. The City may exclude from this provision persons providing only design services.

3. Persons employed by, contracting for or representing entities with leased structures or equipment located on City facilities and/or property by a lease agreement with the City for the construction, repair, replacement or maintenance of said structures or equipment.
 4. Persons providing recreational services to the City as an independent contractor or volunteering such services, at the discretion of the City.
- B. Those persons subject to this Section on or after the adoption of this Section on April 13, 2015 shall be subject to additional periodic criminal history background investigations at least yearly or more often at the discretion of the City during the time period they are subject to this Section. (Ordinance 2015-03, adopted April 13, 2015)

2-8-6: PROCESS.

- A. The applicant, employee, or other individual must authorize the City, BCA and/or Wright County Sheriff's Office by written or other specified means of consent to conduct the criminal history background investigation before the investigation is undertaken with such consent fully compliant with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information.
- B. Any data that is accessed and acquired shall be maintained at the City Hall under the care and custody of the City Administrator or their designee.
- C. Any data that is acquired or summary of the results of the criminal history background investigation may be released to the City Council, the City Administrator, City Attorney or designated Human Resources staff.
- D. The cost of the criminal background investigations for City employees, City appointments and City volunteers shall be paid by the City. The cost of all other criminal background investigations shall be paid in advance by the applicant or other persons or entities subject to this Section. (Ordinance 2015-03, adopted April 13, 2015)

2-8-7 NON-EMPLOYMENT APPLICANTS:

- A. The City will, at its sole discretion, determine whether or not the results of a criminal background investigation for non-employment applications are acceptable.

- B. If criminal background investigations for non-employment applications are questionable, the final decision as to whether or not results are acceptable to the City shall be made by the City Administrator, in consultation with the City Attorney or other appropriate parties.
- C. The City will notify non-employment applicants that the criminal background investigation has been successfully completed or that the results have disqualified them. (Ordinance 2015-03, adopted April 13, 2015)

2-8-8: EMPLOYMENT APPLICANTS: Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment or issuance of a license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication. (Ordinance 2015-03, adopted April 13, 2015)

2-8-9: IDENTIFICATION: Prior to access to any City utility structure or facilities located on City property, any individual or individuals seeking access and having successfully completed a criminal background investigation must provide acceptable identification and contact information to the City or the City representative on site. Failure to provide acceptable identification will result in denial of access to the City utility structure, City facilities or City property. The City reserves the right to deny access to City utility structures, City facilities, or the surrounding City property at any time and for any reason. (Ordinance 2015-03, adopted April 13, 2015)

2-8-10: ADDITIONAL CONDITIONS: Nothing in this Section limits the City's right to establish additional conditions or requirements above and beyond a criminal background investigation in circumstances where the City Council or City staff determine that such additional conditions or requirements will serve to better protect the City and/or the health, safety and welfare of its residents or the public in general. (Ordinance 2015-03, adopted April 13, 2015)