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§ 30.01 BOARDS AND COMMISSIONS GENERALLY.

Unless otherwise provided by charter, ordinance, or statute, all board and commission appointments shall be made by the Mayor and the appointments confirmed by the Council at the first regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his or her appointment, and terms of present board and commission members may be re-established and changed so as to give effect to this section. No board or commission member other than a member of the Heritage Preservation Commission shall be appointed to more than 3 full consecutive terms. Heritage Preservation Commission members may be appointed to an unlimited number of terms. New appointees shall assume office on January 1, December 31 being the date of expiration of terms. Provided, that the expiration shall not be effective until the new appointees have been confirmed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed board or commission member shall be an employee of the City, unless otherwise provided by ordinance. All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in performance of their duties when the expenses are authorized by the Council. The chairperson and secretary shall be chosen from and by the board or commission membership at its first regular meeting in December of each year to serve for the next calendar year, provided, that no chairperson shall be elected who has not completed at least 1 year (by the beginning of his or her term as chairperson) as a member of the board or commission. The chairperson shall be selected from the members retiring on December 31, next following the year for which the selection is made. Any board or commission member may be removed by the Council for misfeasance, malfeasance, or nonfeasance in office and that position filled as any other vacancy. Each board and commission shall hold its

regular meetings at a time established and approved by the Council, and when a member of the Council can be present. The City Administrator shall be an ex officio member of all boards and commissions; provided, that if the Administrator is unable to attend a meeting or act in the capacity of the membership, the Administrator may be represented by his or her assistant or some person duly authorized by him. Section 30.06 shall override any inconsistency with this section. (Prior Code, § 2.01) (Ord. 2008-05, 3rd Series, passed 3-3-2008)

§ 30.02 BOARD OF ZONING ADJUSTMENT AND APPEALS.

(A) *Establishment.* A Board of Adjustment is hereby established. Initially, the Council will act as the Board of Adjustment until the time as it feels it is unable to do so due to the amount of matters before it, at which time it will formally establish a separate Board of Adjustment. At the time as a second Board of Adjustment is established, the Council shall establish it in accordance with Minnesota state statutes.

(B) *Procedure.* So long as the Council is acting as the Board of Adjustment, the Council shall act under the rules established for its meetings. The Board of Adjustment (when established as a separate Board) shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the City Code. Meetings shall be held at the call of the Chairperson and at the other times as the Board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may request the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Administrator.

(C) *Hearings, appeals, notice.* Appeals to the Board of Adjustment concerning interpretation or administration of provisions of the City Code may be taken by any person aggrieved by any decision of the administrative official. The administrative official may refer requests to the Board when the administrative official is in doubt as to granting a request, which shall then be considered an appeal. The appeals shall be taken within a reasonable time, not to exceed 60 days or the lesser period as may be provided by the rules of the Board, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notice thereof, which need not be published notice, as well as due notice to the parties in interest as required by the provisions of the City Code, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(D) *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In those cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is

taken and on due cause shown.

(E) *Powers and duties.* The Board of Adjustment shall have the following powers and duties in addition to other powers if any granted by Minnesota state statute.

(1) *Administrative review.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative official, Public Works Director, or Building Official in the enforcement of Chapter 155.

(2) *Special use permits.*

(a) *Conditions governing applications procedures.* To decide the questions as are involved in determining whether special use permits should be granted, and to grant special use permits with the conditions and safeguards as are appropriate under Chapter 155, or to deny special use permits when not in harmony with the purpose and intent of Chapter 155. The Planning Commission of the City shall hold required public hearings on applications for special use permits, unless the City Council or the Board of Adjustment order that the required public hearings be held by the Council or the Board of Adjustment, in which case the Planning Commission may hold supplemental public hearings in the cases.

(b) *Granting permit.* A special use permit shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special use permit is submitted indicating the section of Chapter 155 under which special use permit is sought and stating the grounds on which it is requested;

2. Published notice shall be given at least 10 days in advance of public hearing. The owner of the property for which special use permit is sought or his or her agent shall be notified by mail as well as all owners of property within 350 feet. Notice of the hearing shall be posted at City Hall at least 10 days prior to the public hearing;

3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;

4. Prior to any decision made by the Board of Adjustment, the matter shall be referred to the Planning Commission for review and a report. The Planning Commission shall review and report to the Board of Adjustment. The Planning Commission shall report in a timely manner so the Board of Adjustment can act on the application within 60 days of its receipt. The Board of Adjustment shall find that it is empowered under the section of Chapter 155 described in the application to grant the special use permit and that the granting of a special use permit will not adversely affect the public interest; and

5. Before any special use permit shall be issued, the Board shall make written findings, certifying compliance with the specific rules governing individual special use permit and that satisfactory provision and arrangement has been made concerning the following where applicable:

- a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenient traffic flow and control, and access in case of fire or catastrophe;
- b. Off-street parking and loading areas where required, with particular attention to division (E)(2)(b)5.a. above, and the economic, noise, glare, or odor effects of the special use on adjoining properties and properties generally in the district;
- c. Refuse and service areas, with particular reference to items divisions (E)(2)(b)5.a. and (E)(2)(b)5.b. above;
- d. Utilities, with reference to locations, availability, and compatibility;
- e. Screening and buffering with reference to type, dimensions, and character;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- g. Required yards and other open space; and
- h. General compatibility with adjacent properties and other property in the district.

(F) *Additional powers and duties; variances.* The Board of Adjustment shall have the following additional powers and duties: to authorize upon appeal in specific cases the variance from the terms of Chapter 155 as will not be contrary to the public interest where owing to special conditions, and where a literal enforcement of the provisions of the City Code would result in practical difficulties. A variance from the terms of Chapter 155 may be granted by the Board of Adjustment when supporting evidence indicates that:

- (1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
- (2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one not applicable, generally, to other property with the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located;

(5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; (Prior Code, §11.08)

(6) The variance is in harmony with the purposes and intent of ordinance;

(7) The variance is consistent with the comprehensive plan;

(8) The proposal puts the property to use in a reasonable manner; and

(9) There are practical difficulties in complying with the official control. “Practical difficulties,” as used in connection with the granting of a variance means that;

(a) The property owner proposes to use the property in a reasonable manner not permitted by an official control;

(b) The practical difficulty is caused by the provisions of this chapter and has not been created by any persons presently or formerly having an interest in the parcel of land;

1. A practical difficulty is not present if the proposal could be reasonably accomplished under the current Ordinance requirements,

(c) The variance, if granted, will not alter the essential character of the locality.

(d) Economic considerations alone do not constitute practical difficulties.

(e) Practical difficulties include inadequate access to direct sunlight for solar energy systems.

(10) The Council may impose conditions in the granting of a variance provided the conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

(11) Public hearings need not be held by the Council or Board of Adjustment on applications for variances from Chapter 155 of the City Code. However, the Council or Board of Adjustment may, in its discretion, hold public hearings on a particular application for a variance. After any public hearing held on a variance request, the body holding the public hearing shall forward its recommendation on the application to the Council or Board of Adjustment;

(12) If a public hearing is not to be held by the Planning Commission or the Board of Adjustment or the Council, owners of property within 350 feet of property involved in the request shall be notified of the time and place when the application shall be considered by the Planning Commission or Board of Adjustment or Council, which notification shall advise adjacent property owners that they may be heard at the time and place;

(13) The Board of Adjustment shall make findings that the requirements of division (F)(I) above have been met by the applicant for a variance;

(14) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance are reasonable and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(15) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of Chapter 155, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with provisions of the City Code which directly relate to and must bear a rough proportionality to the impact created by the variance. Violation of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of provisions of the City Code and punishable under §10.99. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of Chapter 155 in the district involved, or any use expressly or by implication prohibited by the terms of Chapter 155 in the district. (Ord. No. 2011-14, 3rd Series, passed 07-05-11)

(G) *Power of Board of Adjustment and Appeals; reversing decision of administrative official.* In exercising the above mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of the provisions of the City Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make the order, requirement, decision, or determination as ought to be made and to that end shall have the powers of the administrative official from whom the appeal is taken. The concurring vote of 75% of the entire Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under provisions of the City Code including special use permits or to effect any variation in the application of Chapter 155.

(H) *Appeals from the Board of Adjustment.* Any person aggrieved by any decision of the Board of Adjustment may seek review by a court of record of the decision.

(I) *Duties of administrative official, Board of Adjustment, City Council, and courts on matters of appeal.* It is the intent of this section that all questions of interpretation and enforcement shall be first presented to the administrative official, and that the questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law. It is further the intent of this section that the duties of the Council in connection with this section shall not include hearing and deciding questions of interpretation and enforcement that may arise, unless it so chooses to do so. The procedure for deciding the questions shall be as stated in this section and other provisions of the City Code. Under this section, the Council shall have only the duties:

(1) Of considering and adopting or rejecting proposed amendments or the repeal of Chapter 155, as provided by law; and

(2) Of establishing a schedule of fees and charges as stated in this code. (Prior Code, §2.04)

§ 30.03 BOARD OF DESIGN CONTROL.

(A) *Board of Design Control created.* The Planning Commission shall be, and hereby is, appointed as the Board of Design Control.

(B) *Procedure.* A majority of the Board shall constitute a quorum. The Board shall keep a record of its proceedings, and shall record the vote of each member on its findings and its determinations. In case of absence or disability of the Chairperson, the Board may elect any member as Acting Chairperson, who shall serve during the period of absence or disability. The Board shall meet in the first instance at the call of the Planning Director and thereafter shall meet as often as necessary to perform its duties.

(C) *Referral by Planning Director.* Whenever an application is filed with the City for a zoning or land use permit, building permit, or moving permit for any structure to be built, enlarged, or altered within, or moved in or into the City, and the Planning Director finds the application, plans, and specifications, and the certificate of survey or plot plan submitted therewith, hereinafter termed the application papers, comply with the code of the City except this section, but that the application papers provide for a structure, the exterior design, color, exterior building materials, general appearance, and functional plan of which in the opinion of the Planning Director may be, when erected, so at variance or so dissimilar with the exterior design, appearance, and functional plan of the structures constructed or in the course of construction in the neighborhood of the proposed structure which are in the same zoning district as the proposed structure as to cause a material depreciation generally to property in the neighborhood, then the Planning Director shall within a reasonable time after the receipt of the application papers, file the same and the opinion in writing with the Board of Design Control.

(D) *Call of hearing.* Within 3 days after the receipt of the application papers and opinions the Chairperson shall give notice to each member of the Board of Design Control to the applicant, and to any other persons he or she deems advisable, of a hearing to be held by the Board with respect to the application. The notice shall state the purpose of the hearing and the location of the property. Notice to the applicant shall be mailed at least 3 days in advance of the hearing, provided appearance at the hearing shall constitute a waiver of any defect in the notice thereof. The hearing on the application shall be held not less than 1 week nor more than 2 weeks after receipt of the application by the Secretary of the Board.

(E) *Hearing and findings.* Before or during the hearing, each member may view the premises upon which the structure is located or to be located, and at the hearing the Board shall examine the application papers and hear the applicant. It may also hear any members of a citizen's committee and any other persons who request to be heard. The Board may adjourn from time to time, but within 48 hours of the close of the hearing the Board shall, pursuant to a majority vote of all the members of the Board, file written findings of the fact that the exterior design, appearance, and functional plan of the structures constructed or in the course of construction in the neighborhood of the proposed structure(s), which are in the same zoning district as the proposed structure, as to cause material depreciation generally to property in the neighborhood. The Board shall further make a recommendation that the application be accordingly granted or denied. The finding, determination, and recommendation shall be in writing. The Planning Director shall file a copy thereof, with the City Clerk and shall mail a copy

thereof to the applicant. The application papers, the written opinions, and findings, determination and recommendations of the Board shall thereupon be presented by the Planning Director to the Council at its next regular meeting. Further action with respect to the granting or refusing of a permit with respect to the application shall be held in abeyance pending order and direction of the Council. In that case, no permit with respect to the application shall be issued except upon approval of the Board of Design Control and order and direction of the Council.

(F) *Council action.* Upon receipt of the application papers, the written opinion of the Building Official and the Public Works Director and the findings, determinations, and recommendations of the Board of Design Control, the Council shall review all of the same. The Council may upon request of the applicant or any other persons, or in its own discretion, grant and order a rehearing before the Board of Design Control with or without directions, and request other or further findings of fact and determinations by the Board as may be deemed by the Council to be in the best interest of the City. If a rehearing is held, the application papers, the written opinion and the findings, determinations, and recommendations of the Board of Design Control upon the rehearing are then again submitted to the Council. Upon completion of review by the Council, the Council may approve and adopt the findings, determinations, and recommendations of the Board of Design Control in whole or in part, or may reject all of the same. The Council may grant or refuse to grant the permit absolutely or in modified form or may grant it upon conditions. Upon receipt of the order and direction, if any, of the Council, the Planning Director shall make the same a part of the proceedings of the Board and shall transmit an authenticated copy thereof to the Building Official and to the applicant. The Building Official shall thereupon issue or refuse to issue the building permit in accordance with the order and directions, as the case may be. In those cases, no building or structure shall be erected, enlarged, altered, or moved into or within the City without a permit being first so obtained.

(G) *Refusal of permit.* On hearing before the Board of Design Control and on review by the Council, in the absence of proof to the contrary, a refusal to grant the building permit is deemed to be based upon facts supporting the conclusion that the exterior design, appearance, and functional plan of the structure as noted in the application papers is so at variance or so dissimilar with the exterior design, appearance, and functional plan of structures constructed or in the course of construction, in the neighborhood of the proposed structure which are in the same zoning district as the proposed structure as to cause a material depreciation generally to property in the neighborhood. (Prior Code, § 2.05)

§ 30.04 RESERVED.

§ 30.05 PLANNING COMMISSION.

(A) *Establishment and composition.* The Planning Commission of the City is hereby continued. The Commission shall consist of 7 members, all of whom are non-Council members. These persons shall be appointed by the City Council.

(1) *Staff advisor.* The Planning Director shall serve as an advisor to and recorder for the Planning Commission.

(2) *Commission Chairperson.* The Chairperson shall be selected from among the Commission members. Should the Chairperson resign, the vacancy shall be filled by the Commission for the balance of the term. The Chairperson or another representative shall report to the Council at each meeting, either orally or in writing.

(B) *Term.* Members of the Commission appointed by the Council as provided in division (A) above shall serve for a term of 2 years beginning with the month of January of the year of appointment. A person appointed to fill a vacancy due to resignation of a member or otherwise shall complete the term of the person replaced.

(C) *Removal.* The Commission Chairperson shall notify the Council should any member of the Commission be absent from 4 consecutive regularly scheduled meetings. The Council may by majority vote take the action as it deems appropriate. The Council shall appoint a replacement for any member who misses 6 consecutive regularly scheduled meetings in any 1 calendar year. The replacement shall be made pursuant to division (A) above. A member may petition the Council to name a replacement for himself or herself due to his or her unwillingness or inability to continue service on the Commission. The Commission may, by a 2/3 vote of its membership, request the Council to name a replacement for 1 of its members for reasons other than non-attendance, which reasons shall be made known to the Council with the request. The Council may then remove the member by a 2/3 vote of its membership. Replacement shall be made pursuant to division (A) above.

(D) *Meetings and expenses.* The Commission shall hold at least 1 regular meeting each month. It shall adopt rules and keep a record of its resolutions, transactions, and findings along with the vote of each member thereon. This record shall be a public record. Commission members shall serve without pay but may be reimbursed for expenses if authorized by City Council. A majority of members of the Commission shall constitute a quorum. Each member of the Commission shall have 1 vote on each issue.

(E) *Preparation of City plan.* It shall be the function and duty of the Planning Commission to review a comprehensive plan for the development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, subdivision codes and other City codes and matters relating to the development of the City. The plan may be prepared in sections, each of which shall relate to a major subject of a plan, as outlined in the Commission's program of work.

(F) *Procedure for adoption of plan.* The plan or any amendment thereof shall be adopted by the City Council. Before the Council adopts the plan, any section of it or any amendment thereof, the Commission shall hold at least 1 public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least 10 days before the day of hearing. The adoption of the City plan, or any section or amendment thereof, shall be by resolution of the City Council, approved by the affirmative votes of not less than 2/3 of its total membership. The Council may from time to time amend or add to the City plan or any section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies authorized by the Council indicates that the amendment or addition is necessary.

(G) *Means of executing plan.* Upon the adoption of the City plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section thereof in order that the same will serve as a pattern and guide for the orderly development of the City and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the City plan. The means shall consist of a zoning plan, City codes, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long-term program of capital expenditures and the other matters as will accomplish the purposes of this section.

(H) *Zoning plan.* The Planning Commission upon its own motion may and upon instructions by the Council shall prepare a proposed zoning plan for the City. Before recommending the plan to the Council, the Planning Commission may and upon request of the Council shall hold at least 1 public hearing thereon after a notice similar to that required by division (F) above. The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

(I) *Official map of street extensions.* The Planning Commission, with the assistance of the City Engineer, may and upon instruction by the Council shall, prepare an official map of the platted and unplatted portions of the City and adjoining territory, or portions thereof, indicating upon the map the proposed future extension or widening of streets of the City within the existing platted and developed territory or across the unplatted territory. After the map has been prepared and a hearing on it has been held as provided in division (H) above, it shall be submitted to the Council, which shall thereupon consider the map and may adopt it or any part of it with the amendments as it deems advisable. Before the adoption by the Council, a public hearing may and upon request of the Council shall be held upon the proposal at least 10 days after a notice thereof has been published in a newspaper published in the City. After the map has been adopted by the Council and filed with the Register of Deeds, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purposes are acquired by action of the City it shall not be required in the proceedings to pay for after the filing of such a map within the limits of the mapped street, or outside of any buildings line that may have been established upon the existing street, or within any area thus reserved for public purposes.

(J) *Procedure for changes.* No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after the plans or regulations have been adopted by the Council, until the proposed change has been referred to the Planning Commission for report thereon and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any of the plans or specifications shall be adopted by the Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon and an attested copy of the report has been filed with the Council. Failure of the Planning Commission so to report within 30 days or the longer period as may be designated by the Council after the reference shall be deemed to be approval of the proposed change.

(K) *List of recommended public works.* Each officer, department, board, or commission of or in the City whose functions include recommending, preparing plans for, or constructing public works shall, at least three months, before the end of each fiscal year, submit to the Planning Commission a list

of the proposed public works recommended by the officer, department, board or commission for planning, initiation, or constructing during the ensuing fiscal year. The program shall be recommended by the Commission to the Council and to the other officer, department, board, or public bodies as have jurisdiction over the recommending, planning or construction of the public works. A copy of the recommended program of public works shall be included in the annual report of the Planning Commission provided in division (D) above. (Prior Code, § 2.10)

(L) *Act as Board of Design Control.* The Planning Commission shall serve as the Board of Design pursuant to § 30.03.

§ 30.06 PARKS AND RECREATION COMMISSION.

(A) *Establishment.* The Parks and Recreation Commission is hereby created.

(B) *Powers and duties.* It shall be the duty of the Commission to hold regular meetings to consider the matters pertaining to land acquisition and other open space system programs and to park and public recreation programs in the City as shall be referred to the Commission by the Council or as the members of the Commission deem proper.

(C) *Composition.* The Commission shall consist of 7 members, all of whom shall be non-Council persons, plus one additional advisory youth member who shall be a Junior or Senior in one of the schools serving the Hastings community and who resides within Hastings city limits. They shall be appointed as follows: When a vacancy occurs or is about to occur, applications shall be requested from the residents of the City. All applications shall be submitted to the Parks and Recreation Commission for review and recommendation. The majority choice of this Commission shall be presented to the Council for approval. A member or members of this Commission may present a minority choice to the Council for consideration and approval. If the Council by a majority of its total membership is unable to agree upon a person to fill the vacancy, the matter shall be referred back to the Commission for a different recommendation. This process shall continue until the vacancy or vacancies are filled.

(1) *Staff advisor.* The Director of Parks and Recreation shall serve as an advisor and recorder to the Parks and Recreation Commission.

(2) *Commission Chairperson.* The Chairperson shall be selected from among the membership. Should the Chairperson resign, the vacancy shall be filled by the Commission for the balance of the term. The Chairperson, or his or her designee, shall report to the Council orally or in writing at each meeting.

(3) *Term.* Members of the Commission appointed by the Council shall serve for a term of 2 years, beginning January following of the year of appointment-except that the advisory youth member shall serve a term of one year, with the opportunity to serve one additional term if desired. A person appointed to fill a vacancy due to resignation of a member or otherwise shall complete the term of the person replaced.

(4) *Meetings and the like.* The Commission shall hold at least 1 regular meeting each month.

It shall adopt rules and shall keep a record of its resolutions, transactions, and findings, along with the vote of each member. This record shall be a public record. A majority of regular members of the Commission shall constitute a quorum. The advisory youth member shall not impact the number of members needed to establish a quorum and shall not count toward establishing a quorum. Each regular member of the Commission shall have 1 vote on each issue. The advisory youth member may contribute to Commission discussions and actions but shall not have a vote on issues before the Commission.

(D) *Expenses of members.* The members of the Commission shall serve without pay, but may be reimbursed for actual expenses if authorized by the City Council.
(Prior Code, § 2.12) (Am. Ord. 2010-06, 3rd Series, passed 4-5-2010)(Ord. 2012-01, 3rd Series, passed 2-21-12)

§ 30.07 PUBLIC SAFETY ADVISORY COMMISSION.

(A) *Establishment.* The Public Safety Advisory Commission is hereby established.

(B) *Powers and Duties.* The Commission shall be an advisory commission to the City Council pertaining to public safety programs of the City as shall be referred to the Commission by the Council or as the members of the Commission deem appropriate. In addition, the commission shall:

- (a) Carry out their stated mission to enhance the awareness of police and fire department capabilities and services; provide an opportunity for citizen involvement in police and fire services and to encourage exchange between the police and fire departments and the community.
- (b) Submit to the City Council annually a report of the activities of the commission during the previous year; and
- (c) Perform other functions as needed to carry out these duties and responsibilities as directed by the City Council and to act in an advisory capacity to the City Council.

(C) *Composition.* The commission will consist of up to seven regular members all of whom shall be residents, and non Council members and one youth member 14-18 years old, who shall attend one of the schools serving the Hastings community. All members are appointed by the City Council.

(D) *Staff Advisor.* The Chief of Police and Fire and EMS Director shall serve as advisors to the commission.

(E) *Commission Chair.* The Commission shall select a chair from among the membership. Should the chair resign, the vacancy shall be filled by the commission for the balance of the incomplete term.

(F) *Term.* The members of the initial Commission shall serve the following terms: Up to three shall serve one year terms and up to four shall serve two year terms. Thereafter, members of the Commission appointed by the Council shall serve for a term of two years, beginning January

following the year of appointment. A person appointed to fill a vacancy due to resignation of a member or otherwise, shall complete the term of the person replaced.

(G) *Meetings.* The Commission will hold at least three meetings per year. It may make rules and guidelines and shall keep a record of its meetings, recommendations, and referrals, along with the vote of each commissioner. This record shall be a public record. A majority of appointed commissioners shall constitute a quorum. Each commissioner shall have one vote on issues before the Commission.

(H) *Expenses.* Commissioners shall serve without pay, but may be reimbursed for actual expenses is authorized by City Council.

§ 30.08 INTERIM EMERGENCY SUCCESSION.

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

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

(1) By majority vote of those persons present, regardless of number, they shall elect a Chairperson and Secretary to preside and keep minutes, respectively.

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

(3) They may, based on the facts, declare a state of emergency.

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

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

(C) *Duties of the Interim Emergency Council.* The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency. (Prior Code, § 2.14)

§ 30.09 BUILDING SAFETY DEPARTMENT.

A Building Department is hereby continued. The Building Department shall be under the administration of the City Administrator. Under the City Administrator, the head of the Building Department shall be the Building Official (referred to in the State Building Code as the Administrative Authority). The Department shall consist of the Building Official, together with the assistants and staff members as may be authorized from time to time by the Council. It shall be the duty and power of the Building Official to carry out the provisions of the State Building Code and the ordinances of the City relating to construction. The Building Official shall submit a periodic report to the Council covering the work of his or her Department for intervals required by the Council. (Prior Code, § 2.16)

§ 30.10 HERITAGE PRESERVATION COMMISSION.

(A) *Public policy and purpose.* The City Council finds that historical, architectural, archaeological, engineering, and cultural heritage of the City is among its important assets. Therefore, the purpose of this chapter is to establish a municipal program of heritage preservation, as authorized by M.S. § 471.193, as it may be amended from time to time, to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens and visitors of Hastings.

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

ALTERATION. Refers to changes and works to Heritage Preservation Sites.

ARCHAEOLOGICAL SIGNIFICANCE. An area of land possessing the potential to reveal information important to historic or pre-historic studies.

ARCHITECTURAL SIGNIFICANCE. Possessing distinctive characteristics of a style, place, period, method, or materials of construction, builder, or architect.

CULTURAL SIGNIFICANCE. A landmark or setting of manmade or natural features, or a combination, possessing meaning primarily by long association or identification with the community and its citizens.

ENGINEERING SIGNIFICANCE. A work demonstrating a technology, design, or method characteristic of a historic period or activity.

HERITAGE PRESERVATION DISTRICT (DISTRICT). When a concentration of properties are linked by significance and located in a contiguous area, they may be defined by a boundary and designated a Heritage Preservation District with the same protection and meaning as a Historic Preservation Site under this section. Land and structures which do not contribute to the

significance of the district may be included within the boundaries of the Heritage Preservation District when necessary to protect the significance, integrity and visual unity of the whole.

HERITAGE PRESERVATION SITE. An area, property, building, structure, or object, when designated for preservation for reasons of its significance by the City Council.

HISTORIC SIGNIFICANCE. Associated with activities, processes, events, trends, or persons of importance to the community, state, or nation.

INTEGRITY. The amount and condition of original material and/or design remaining in the site, property, or district.

SIGNIFICANCE. The quality of the information; example, interest or meaning represented by the site for understanding and appreciating the past development or culture.

(C) *Heritage Preservation Commission established.*

(1) *Responsibilities.* This section establishes the Hastings Heritage Preservation Commission (hereinafter HPC or Commission) with the following responsibilities:

(a) To continue to survey and research in order to identify properties which have historic, architectural, archaeological, engineering, or cultural significance to the community;

(b) To recommend properties which meet the criteria of significance stated herein for designation as Heritage Preservation Sites;

(c) To protect Heritage Preservation Sites by public review of all proposed alterations, relocations, demolitions, or new construction within designed site boundaries;

(d) To advise property owners and educate the public in appropriate maintenance, rehabilitation or restoration methods. To encourage continued uses, compatible with their character, of Heritage Preservation Sites;

(e) To hear and decide applications for Certificate of Approval;

(f) To make recommendations to the City Council on proposed amendments to this chapter; and

(g) To promote public recognition and appreciation for Heritage Preservation Sites.

(2) *Members.* The Hastings Heritage Preservation Commission shall consist of 9 voting members appointed by the Mayor, with the advice and consent of the City Council. Members must reside in the municipality.

(a) At least 1 member will be an architect, or if an architect not be available, an experienced person of the building trades.

(b) At least 1 member will be a professional or experienced person in the areas of history, architectural history, archaeology, planning, real estate, design, building trades, landscape architecture, or law.

(c) The other members shall be drawn from persons with a demonstrated interest and/or expertise in historic preservation.

(d) One Commissioner will be member of and designated as the representative to the County Historical Society.

(3) *Appointment of members.* Members shall be appointed by the Mayor, with the approval of the Council, upon recommendation by the Commission. Initial appointments shall be 2 members for 1 year, 2 members for 2 years, and 3 members for 3 years. Vacancies from resignation or other causes shall be filled by appointment for the remainder of the unexpired term. Near the completion of the last year of an incumbent commission member's third full consecutive term appointment, applications shall be requested from the residents of the City of Hastings. All applications shall be reviewed for recommendation for appointment. Members shall serve without compensation and continue to hold office until their successors have been appointed and qualified.

(4) *Organization.* The Commission, when formed, shall elect from its members, the officers as it may deem necessary. The Commission shall have the power to designate and appoint, from its members, various committees with powers and duties of the Commission. The Commission shall make the rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this section, which are not inconsistent with the laws of the City and the State of Minnesota.

(5) *Annual report.* The Commission shall make an annual report by October 31, containing a statement of its activities and plans to the Mayor, the City Council, the City Administrator, the Building Official, the Chairperson of the Hastings Housing and Redevelopment Authority, the Planning Director, and the State Historic Preservation Officer.

(6) *Meeting.* The Commission shall meet monthly at a regular time and place to conduct its business. In addition, the Commission will meet at its earliest convenience, when called by the Chair, to review the building permits or applications as are referred to it by the City Building Official or Planning Director.

(7) *City support.* To accomplish the intent and purpose of this section, the City of Hastings shall provide the Commission with facilities, equipment, supplies, and staff support. The HPC will submit budget requests in the same manner as other City departments.

(D) *Designation of Heritage Preservation Sites.*

(1) *Designation study.* The Commission shall continue to survey properties, conduct studies, and gather documentation of properties which has reason to believe are significant to the community.

The Commission shall provide procedures for citizens to nominate properties for consideration as Heritage Preservation Sites. A designation study shall be initiated by action of the Commission in a public meeting with 10-days' written notice to the owners of properties considered for designation.

(2) *Proposed designation.* The Commission shall recommend properties to the City Council for designation as Heritage Preservation Sites. In order to be recommended for designation, the Commission must have completed a study which demonstrates that the property being considered possesses historic, architectural, cultural, archaeological, or engineering significance at the local, state, or national level, and in addition that the property possesses integrity.

(3) *Planning Commission review.* The Heritage Preservation Commission shall advise the City Planning Commission of the proposed designation of a Heritage Preservation Site, including boundaries and secure from City Planning Commission its comments or recommendations with respect to:

(a) The relationship of Heritage Preservation Site designation to the comprehensive plan and zoning code of the City of Hastings; and

(b) The consistency of the proposed designation with applicable development plans or development objectives adopted by the City Council. The Planning Commission shall respond to the HPC within 30 days of receiving the proposed designation.

(4) *Preservation Commission findings and recommendation.* The eligibility of a property for designation as a Heritage Preservation Site shall be determined by the Commission in an open meeting, notice of which shall have been sent via US mail to all owners of property considered for designation, with opportunity for public comment. The Commission shall adopt a resolution of recommendation for each site or for a district as a whole.

(5) *State Historic Preservation Office's review.* Prior to making its recommendation to the Council, every proposed designation by the Commission shall be sent to the State Historic Preservation Office for review and comment in writing within 60 days.

(6) *Council designation.* The Commission shall forward its recommendations, together with its findings of significance and integrity and with the comments of the Planning Commission and of the State Historic Preservation Office, to the City Council. The City Council, upon recommendation of the Commission may, by resolution, designate a Heritage Preservation Site or District. Prior to the designation, the City Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least 10 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Site and to all property owners within the boundary of the area to be designated a Heritage Preservation District.

(7) *Recording of Heritage Preservation Sites.* The Commission shall record with the Dakota County Recorder, the legal description of all buildings, lands, or areas designated as Heritage Preservation Sites or Heritage Districts by the Council.

(8) *Interim protection.* Interim protection is established to protect a nominated property from destruction or inappropriate alteration during the designation process. The owner shall be notified of the interim protection when a decision has been made about commencing a designation study. A designated study shall be initiated by action of the Commission in a public meeting after 10-days' written notice to the owners of properties considered for designation. Interim protection shall be in effect from the date of the Commission's action to begin a designation study decision regarding the designation of the property until Council action or for 4 months, whichever comes first. Prior to the expiration of the 4-month period, the Commission may request Council approval to extend the interim protection for an additional 4 months, not to exceed a total of 8 months. The Commission shall provide grounds for the request for an extension of time to decide on the designation. The owner must be notified of the recommendation to extend the interim protection prior to the Council meeting to decide on the extension of time. Interim protection means that during the designation process, the provisions of this section apply to the property as if it were designated.

(a) The Commission shall keep current and public a list of all properties designated as Heritage Preservation Sites, or included in the State or the National Register of Historic Places.

(b) The Commission will provide the Building Official and the Planning Director with current lists and maps showing Heritage Preservation Sites and Districts for their use in referring applications to the Commission.

(c) The Commission will conform to the procedures of the Division of Archives and Manuscripts of the Minnesota Historical Society and to M.S. § 138.17, as it may be amended from time to time, on the disposition of records.

(E) *Additional powers and duties of the Commission.* The Commission shall have the following powers and duties in addition to those otherwise specified in this chapter.

(1) Any application or plan for a proposed City action or approval that would affect the appearance of a Heritage Site or District will be referred by the involved Department to the HPC staff with plans or descriptions for HPC review and comment before final action. Examples of City actions or approvals include, but are not limited to: the Planning Director forwarding applications for land use actions including special use permits, variances, vacations, subdivisions and site plans, street and utility reconstruction plans, building permits, building violations or maintenance orders. Building, fence, and sign permits for Heritage Sites or District properties may not be released without a Certificate of Approval from the HPC.

(2) The Commission may request, as needed, that the Department of Building Safety, Public Works Department, Fire Department, Planning Commission, the Housing and Redevelopment Authority, or the City Council adopt measures required or appropriate for the preservation, protection or maintenance of Heritage Preservation Sites such as variances, amendments, enforcement or alternatives to the City code, building code and fire code governing construction, demolition, alteration, maintenance, use, or condemnation.

(3) The Commission shall provide general preservation information and guidelines to owners of Heritage Preservation Sites regarding maintenance, restoration, or renovation of historic properties.

(4) The Commission shall promote public recognition and appreciation for Heritage Preservation Sites. It shall periodically publish and provide to property owners a registry of designated and potential Heritage Preservation Sites and Districts, along with design guidelines and preservation programs available at that time.

(5) With the prior approval of the City Council, the Commission may contract the services, on a regular or part-time basis, of technical experts or professional consultants as may be required to perform its duties.

(6) With the prior approval of the City Council, the Commission may make application for and accept gifts, grants, and contributions made to the City for the purpose of Heritage Preservation.

(7) With the approval of the City Council, the Commission may nominate properties to the National Register of Historic Places or to the State of Minnesota for the designation of a Historic Site or District.

(F) *Certificate of approval.*

(1) *Purpose.* Certificates of approval are established to protect sites, properties in districts, and nominated properties under interim protection by providing the Commission with authority to review and approve or deny proposed exterior alterations, new construction, additions, removals, demolition, or relocation from or into designated sites and districts.

(2) *Certificate of approval required.* The alteration of a site or property in a district shall be prohibited except where authorized by a certificate of approval approved by the Commission. Any City permits and approvals for designated sites and properties within districts will not be released by City staff without a certificate of approval or by direction of City Council.

(3) *Application for certificate of approval.* Application shall be made by the owner of the designated property on a form provided by the Commission and accompanied by all required supporting information before review. A complete application shall be accompanied by the following information, and other information as staff determines necessary:

- (a) Accurate scaled and dimensioned site plan of existing conditions;
- (b) Photos of existing conditions;
- (c) Photos or plans of building elevations;
- (d) Photos or plans of proposed alterations and replacement material;
- (e) Plans, illustrations, and samples of building materials, windows, roof, doors, siding, trim, and the like;

- (f) Samples of paint colors, when required;
- (g) Plan and description of changes to architectural details;
- (h) Samples and illustrations of proposed replacement materials;
- (i) Description of area proposed to be cleaned and methods, companies, or chemicals to be used;
- (j) Details of signs or awning including lettering, design, size, color, and materials; and
- (k) Statement of how the proposal relates to historic significance of site.

(4) *Review of application.* The Commission may approve, approve with conditions, or deny an application. All findings and decisions of the Commission shall be recorded in Commission minutes, or on the application itself when a Commission meeting is not required. Decisions are final, subject to appeal to the City Council. The Commission shall designate types of alterations, such as maintenance activities or minor alterations which can be approved by the Preservation Staff or referred to a Committee or the whole Commission at a public meeting. The Commission shall designate types of alterations which can be approved by a Committee of 3 Commissioners or referred to a whole Commission at a public meeting. Alterations not designated above will be considered by the whole Commission at a public meeting. The Commission may call a public hearing for types of alterations that are for, but not limited to demolition, relocation, major addition or remodeling and infill construction on a property designated as a Heritage site or within a Heritage Preservation District. Notice of the public hearing at a meeting during which an application will be reviewed shall be mailed to the applicant and property owners within 200 feet of the property, at least 10 days prior to the meeting.

(5) *Required findings.*

(a) *Alteration within a site or district.* Before approving a certificate of approval, the Commission shall make written findings that the alteration will not materially impair the integrity of the site or district and is consistent with the applicable design guidelines adopted by the Commission, if design guidelines do not apply, is consistent with the recommendations contained in the Secretary of the Interior's Standards for Rehabilitation.

(b) *Guidance.* The Commission will be guided by the Secretary of the Interior's Standards for Rehabilitation, as well as by the Design Guidelines adopted by the Commission for the review of proposed changes within Heritage Preservation Sites and Heritage Preservation Districts. In all cases, the Commission will give consideration to the significance and integrity of original material and design remaining in the building when applying criteria, guidelines, and standards.

(c) *Destruction, demolition, or removal.* Before approving a certificate that involves destruction or removal, in whole or in part, of any site or property within a district or nominated

property, the Commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the Commission shall consider the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

(d) *New construction or relocation.* Before approving a certificate that involves new construction on, or the relocation of a building into a site or a district or nominated property, the Commission shall make findings that the new construction or relocated building will be compatible with the visual qualities of the historic architecture of the site, the streetscape or the district, and is consistent with the applicable design guidelines adopted by the Commission or if the guidelines do not apply, with the Secretary of the Interior Standards for Rehabilitation.

(6) *Certificate of approval conditions.* In general, following Commission approval of an application, the applicant shall receive a signed certificate of approval and stamped plans or descriptions of the proposed alteration from the preservation staff. The applicant shall provide the certificate of approval and plans to the Department of Building Safety before a building, demolition or moving permit may be issued or to the Planning Department before a sign or fence permit may be issued. Alterations approved as part of the certificate of approval must be completed within 1 year from the date of approval or a request for extension submitted for a further 12-month period prior to the expiration of the first 12 months.

(7) *Limitations.* If, within 40 days from the filing of a complete application, the Commission has neither approved, denied, nor called a public hearing on the proposed changes, the certificate of approval shall be deemed to have been approved by the Commission, and if all other requirements of the City have been met, the appropriate City department may issue a permit for the proposed work. By vote of the Commission and notification of the appropriate City department, the first 40-day period may be extended by an additional 40 days in cases where further information and research is required to make a determination and the initial 40-day period is not sufficient to do the work. No permit shall be issued nor work commenced in the event the Commission disapproves the application in accordance with this section.

(8) *Emergency repair.* In emergency situations where immediate repair is needed to protect the safety of the structure or its inhabitants, the Building Official may approve temporary or limited repair without the consent of the Heritage Preservation Commission. In cases of a permit issued pursuant to this section, the Building Official shall immediately notify the Heritage Preservation Commission of its action and specify the facts or conditions constituting the emergency situation.

(9) *Denial of certificate of approval.* The Commission shall provide written findings of facts for the grounds of denial of the application for certificate of approval. The applicant shall be provided with a written statement of the grounds of denial and be provided with the procedures for appealing the decision to deny the certificate of approval. The applicant or any party aggrieved by the decision of the Heritage Preservation Commission shall, within 10 business days of the date of the Heritage Preservation Commission's order and decision, have a right to appeal the order and decision to the City Council. The request for an appeal shall be made by delivering to the City Clerk a notice of appeal and statement of reasons setting forth the grounds for the appeal. The City Clerk shall transmit the notice

of appeal and statement to the City Council and the Heritage Preservation Commission. The Heritage Preservation Commission, in any written order denying a permit application, shall advise the applicant of this right to appeal to the City Council and include this section in all the orders. Appeals on the grounds of economic hardship will be considered by City Council under the procedures and guidelines adopted by City Council.

(G) *Violations.* An owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site or protected by an Interim Protection Order who violates the provision of this chapter shall be guilty of a misdemeanor. Any architect, builder, contractor, agent, person, or corporation who assists in the commission of a violation of this section shall be guilty of a misdemeanor for each day an owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site or protected by an Interim Protection Order allows any work to be performed on any area, place, building, structure, or other object in violation of division (F) above, it shall constitute a separate violation of this section, and it shall be punishable as such. A Heritage Preservation Site on which there exists any remodeling, repairing, construction, or a building moved in violation of this section, is hereby declared a nuisance, and the imposition of the penalties herein prescribed shall not prevent the City of Hastings from instituting an appropriate action or proceeding to prevent an unlawful remodeling, repair, construction, building, building moving or demolition, or to restrain, correct, or abate a violation.

(1) The City Council authorizes the Heritage Preservation staff and the Building Official or designee to enforce this section. These officials may make inspections and take the action as may be required to enforce the provisions of this section.

(2) Whenever the official has reasonable cause to believe that there may exist in any building or on any property any condition that is in violation of this chapter, the official may enter the area, place, building, structure, or other object within a duly designated site or protected by an Interim Protection Order at reasonable times to make inspections or to perform any duty required to administer this section. The official shall first present proper credentials and request entry. If the property is unoccupied, the official shall mail notice to the owner of record by certified mail 7 days prior to inspection. If entry is refused, official shall have recourse to every remedy provided by law to secure entry, including the right to secure a proper inspection warrant.

(3) When an area, place, building, structure, or other object within a duly designated site or protected by an Interim Protection Order is in violation of this section, in addition to any criminal citation, the property owner of record shall be issued a "Stop Work Order" in writing to include the following information:

- (a) A description of the property sufficient for identification;
- (b) Description of the violation(s) and the action required to remedy the violations(s);
- (c) Provision of reasonable time to perform any remedy to be completed;
- (d) Notice of any action that may be taken by the City if required action has not been made within a reasonable time period; and

(e) Notice of any right of appeal.

(4) Whenever a violation of this section occurs, or is alleged to have occurred, any person may file a written complaint. The complaints shall state fully the causes and basis thereof and shall be filed with the Heritage Preservation Commission or designated staff. The Commission shall record properly the complaint, and immediately direct the official to investigate, and take action thereon as provided by this section.

(5) Any person aggrieved by a violation notice and order to take action as required by the City shall have the right to appeal. The City Council may uphold the violation, void all violations, or change any described violation by adding violations, removing violations or changing the order to take required action.

(6) Any property owner or owner's agent that has been served with a violation notice and an order to take required action shall have the right to appeal the order to the City Council within 30 calendar days after receiving the compliance order. All appeals shall be made to the Heritage Preservation Commission in writing with any information to substantiate the appeal. The appeal shall be considered by the City Council under § 30.02.

(H) *Repository for documents.* The HPC shall retain at least 1 copy of all Commission minutes, forms, studies, reports, recommendations, and correspondence required under divisions (D), (E) and (F) above. All minutes and records will be available for public inspection during normal business hours. Originals shall be kept in the City's official records.
(Ord. 533, passed 5-16-2005; Am. Ord. 2008-05, 3rd Series, passed 3-3-2008) Penalty, see § 10.99

§ 30.11 PUBLIC WORKS DEPARTMENT.

(A) *Establishment of Department.* There is established in the City of Hastings a Public Works Department.

(B) *Departments included.* The following departments shall be included in the Public Works Department: Engineering, Utilities, and Streets.

(C) *Establishment of Public Works Director position and duties.* There is created the position of Public Works Director who shall be responsible for the Public Works Department. The Public Works Director shall report directly to the City Administrator. The Public Works Director shall be responsible for supervising the Engineering Department, Street Department, and Utility Department.

(D) *Appointment and removal.* The Public Works Director may be appointed or removed by the City Administrator only after receiving Council approval. The City Administrator shall make recommendations for the suspension and termination of the Public Works Director and may suspend any Public Works Director until the next Council meeting when the Council shall affirm, modify, or rescind the suspension. (Prior Code, § 2.22)

§ 30.12 ENGINEERING DEPARTMENT.

An Engineering Department is hereby established and shall be composed of the City Engineer and such (under his or her direct supervision) employees as he or she may be given supervision of.
(Prior Code, § 2.54)

§ 30.13 ABSENTEE BALLOT BOARD.

Pursuant to the provisions of M.S. § 203B.13, as it may be amended from time to time, the City Council of the City of Hastings hereby establishes an Absentee Ballot Board in the City of Hastings. The Absentee Ballot Board will encompass the entire City of Hastings for the purpose of receiving all absentee ballots for any primary or general election or special referendum held within the municipality. The Absentee Ballot Board shall be under the direct charge and supervision of the City Clerk; and the place for receiving, tabulating, and counting of absentee ballots shall be at the office of the City Clerk in the City Hall. (Prior Code, § 2.57)