



NORTH BRANCH

—Minnesota—

Kevin Schieber
Mayor

Robert Canada
Councilmember/Acting Mayor

Travis Miles
Councilmember

Kelly Neider
Councilmember

Peter Schaps
Councilmember

**CITY COUNCIL
REGULAR AGENDA
TUESDAY, MAY 14, 2024 @ 6:15 PM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. WORKSESSION ITEMS

- a. Motorized Golf Cart Ordinance
- b. Chickens Ordinance Revision Update
- c. City Administrator RFP Update & Discussion Regarding Duties

INFO

VERBAL
UPDATE

VERBAL
UPDATE

5. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided to the City Council on each Agenda item in advance from Staff and appointed Commissions; and decisions are based on this information and past experiences. In addition some items may also have been discussed preliminarily at Council Work Sessions. If you are aware of information that has not been discussed, please raise your hand to be recognized. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.



Prepared By:
Dan Meyer, Police Chief
Presenter: Dan Meyer, Police Chief
Date: 05/01/2024

Board & Commission: City Council

Subject: Motorized Golf Cart Ordinance

Under Minn. Stat. § 169.045, cities may, by ordinance, authorize the operation of all-terrain vehicles (ATV)s, utility task vehicles (UTVs), motorized golf carts, and mini trucks on city streets by permit. During the spring and summer of 2022, the City Council requested staff to draft an ordinance focusing on the responsible use of ATVs and UTVs on city streets. A public hearing regarding the matter took place on June 28, 2022, and the City Council adopted an ATV/UTV ordinance (Sec 62) on July 12, 2022.

At the April 23, 2024, city council meeting, the City Council directed staff to draft an ordinance which would allow for the legal operation of motorized golf carts on city roadways. Attached is a draft amendment to our current All-terrain Vehicle (ATV) and Utility Task Vehicles (UTV) code adding language to include motorized golf carts (Sec 62-151 through Sec 62-163).

Voting Requirements:

Info

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE CHAPTER 62, CHAPTER V,
SECTIONS §62-151 THROUGH §62-162
REGARDING THE OPERATION OF MOTORIZED GOLF CARTS ON CITY STREETS**

The North Branch City Council hereby ordains as follows:

Section 1. Renaming of Article

Article V of Chapter 62 is hereby renamed to the following:

ALL-TERRAIN VEHICLES (ATV), UTILITY TASK VEHICLES (UTV) AND MOTORIZED GOLF CARTS

Section 2. Purpose and Intent

City Code Section §62-151 is hereby amended by adding the following underlined language.

§62-151 Purpose and Intent

The purpose of this ordinance is to provide reasonable regulations for the use of all-terrain vehicles, ~~and~~ utility task vehicles, and motorized golf carts, on city streets within the City of North Branch. This ordinance is not intended to allow what Minnesota Statutes prohibit or to prohibit what Minnesota Statutes expressly allow. It is intended to ensure public safety and prevent a public nuisance.

Section 3. Definitions

City Code Section §62-151 is hereby amended by adding the following underlined language.

§62-151 Definitions

MOTORIZED GOLF CART. Any passenger conveyance driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Section 4. Operation Requirements

City Code Section §62-153 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-153 Operation Requirements

1. No person shall operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart on city streets without obtaining a special use vehicle operator's permit as provided herein.
2. Every driver of an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart shall have

the special use vehicle operator's permit in immediate possession at all times when operating the vehicle on city streets.

3. Driver's may only operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart that have been listed on the permit application and approved by the city. Each approved all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart will be issued a City of North Branch ~~ATV/UTV~~ registration sticker, which must be displayed on the rear of the ~~UTV/ATV vehicle~~ while it is operating on city streets.
4. No person shall operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart installed with tracks on city streets.
5. Drivers shall operate motorized golf carts, all-terrain vehicles, including class 1 and class 2, and utility task vehicles, on the right shoulder or the extreme right-hand side of any city street. Drivers of motorized golf carts and all-terrain vehicles should pull over to the extreme right hand side of the roadway or stop to allow motor vehicles to safely pass them.
7. Every person operating an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart under permit on city streets has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart and except as otherwise specifically provided in Minn. Stat. § 169.045 subd.7.
8. Every person leaving an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart on a public place or on a public street shall lock the ignition and remove and take the keys with them.
9. It is unlawful for any person to operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart as listed below:
 - (a) On any land not owned by the person for the purpose of operating an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart after being notified, either orally or by written or posted notice, by the owner, occupant, or lessee not to do so.
 - (b) On the roadway, shoulder, or inside bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway unless in accordance with Minn. Stat. §84.928. A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This provision does not apply to motorized golf carts.
 - (g) At a rate of speed greater than reasonable or proper under all the surrounding circumstances. All-terrain vehicle, ~~and~~ utility task vehicle, and a motorized golf cart shall not exceed 20 miles per hour on city streets.
 - (i) On any city street or public road right-of-way of a trunk, county state-aid, or county highway unless the all-terrain vehicle or utility task vehicle is properly registered with the Department of Natural Resources (DNR) pursuant to Minn. Stat. § 84.922. This

provision does not apply to motorized golf carts.

- (j) On any city street unless the all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart has liability insurance in compliance with the provisions of Minn. Stat. § 169.045 and Minn. Stat. §65B.48, subd 5.
- (l) By halting any an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property.
- (m) While carrying more passengers than the all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart is designed for.
- (o) While towing any person or thing except through the use of a rigid tow bar attached to the rear of the all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart.

Section 5. Road Crossing

City Code Section §62-154 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-154 Road Crossing

An all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart may cross any street or highway intersecting a city street provided:

Section 6. Youth Operation

City Code Section §62-155 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-155 Youth Operation

1. No person under the age of 12 shall operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart on city streets.
5. Drivers and passengers of an all-terrain vehicle or utility task vehicle who are less than 18 years of age must wear a safety helmet approved by the Commissioner of Public Safety and wear a seatbelt (if equipped) in accordance with Minn. Stat. § 84.9256 subd. 2. All drivers and passengers of motorized golf carts should wear seatbelts while operating on the roadway, if the vehicle is so equipped.
7. No person under 18 years of age shall operate an all-terrain vehicle or utility task vehicle while carrying a passenger except for a parent or lawful guardian. The number of occupants on any all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart may not exceed the designed occupant load.
8. Parents and/or legal guardians shall not allow their minor children to operate an all-terrain

vehicle, or utility task vehicle, or a motorized golf cart in violation of this ordinance.

9. Youth ages 12 to 15 years of age may operate a motorized golf cart if they are accompanied by a parent or legal guardian.

Section 7. Hours of Operation

City Code Section §62-156 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-156 Hours of Operation

All-terrain vehicles, ~~and~~ utility task vehicles, and motorized golf carts may only be operated on city streets from sunrise to sunset unless they are equipped with functional and original equipment headlights, taillights, and rear-facing brake lights. Except when used for snow removal, motorized golf carts and all-terrain vehicles shall not be operated on city streets in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Section 8. Minimum Equipment Requirements

City Code Section §62-156 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-157 Minimum Equipment Requirements

1. Standard mufflers are required and shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on an all-terrain vehicle, or utility task vehicle, or a motorized golf cart motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.
2. Brakes, that are operational by either hand or foot, are required on all-terrain vehicles, utility task vehicles, and motorized golf carts, and shall be adequate to control the movement of and to stop and hold under any conditions of operation.
3. All-terrain vehicles, ~~and~~ utility task vehicles, and motorized golf carts must have a functioning headlight, taillight, and stoplight if so equipped.
4. All-terrain vehicles, ~~and~~ utility task vehicles, and motorized golf carts must have a rearview mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet (Minn. Stat. § 169.70).
5. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

Section 9. Special Use Vehicle Operator's Permit Application

City Code Section §62-158 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-158 Special Use Vehicle Operator's Permit Application

1. Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
 - (a) Name, DOB, and address of the applicant;
 - (b) Nature of any physical handicap of the applicant, if any, that may limit the applicant's ability to operate an all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart;
 - (c) Model name, make, year, DNR registration number (for all-terrain and utility task vehicles), and current liability insurance for all of the an all-terrain vehicles, ~~or~~ utility task vehicles, or a motorized golf cart that the applicant intends to operate on city streets. Each approved all-terrain vehicle, ~~or~~ utility task vehicle, or a motorized golf cart will be issued a City of North Branch ~~ATV/UTV~~ registration sticker which must be displayed on the rear of the ~~UTV/ATV~~ vehicle while it is operating on city streets;
 - (d) For operators of all-terrain and utility task vehicles, a ~~C~~copy of an ATV certificate or driver's license/ID card that has a valid all-terrain vehicle safety certificate indicator, ~~{if applicant was born after 7/1/1987}~~;
 - (e) Parent and/or guardian information and acknowledgment of parent/guardian consent for permit, ~~{if applicant is under 18 years of age}~~;
 - (f) Any other information as the city may require.
3. No operator permit shall be granted or renewed if the permit application is deemed incomplete and unless the following conditions are met:
 - (a) The applicant must provide evidence of liability insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for every all-terrain vehicle, ~~and~~ utility task vehicle, and motorized golf cart they operate on city streets; (Minn. Stat. § 169.045, 65B.48, subd 5).
 - (b) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate an all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart;

Section 10. Permit Revocation and Administrative Fines

City Code Section §62-160 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-160 Permit Revocation and Administrative Fines

Revocations are subject to the severity of the offense alleged or observed and investigated by the police department. The Chief of Police may revoke an operator's permit at any time upon a finding that the holder thereof has violated any of the provisions of this ordinance or if there is evidence that the permittee cannot safely operate the all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart on city roadways.

Section 11. Exemptions

City Code Section §62-161 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-161 Exemptions

1. Authorized city staff may operate city-owned all-terrain vehicles, ~~or~~ utility task vehicles, or motorized golf carts without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting official city business.
2. A special vehicle operator's permit is not required for individuals driving an all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart on city streets in a community parade or during other community events in which the city has granted a special event permit.
3. Notwithstanding any other provisions in this article, an all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart may be operated on a city road in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

Section 12. No Assumption of Liability

City Code Section §62-162 is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

§62-162 No Assumption of Liability

Nothing in this chapter shall be construed as an assumption of liability by the city for injuries to persons or property which may result from the operation of any all-terrain vehicle, ~~or~~ utility task vehicle, or motorized golf cart by a permit holder or the failure by the city to revoke a permit.

Section 13. Effective Date.

This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of North Branch, Chisago County, Minnesota, this 14th day of May, 2024.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 05/02/2024

Board & Commission: City Council

Subject: City Administrator RFP Update & Discussion Regarding Duties

Overview / Background

On April 23, 2024 the City Council authorized a Request for Proposal (RFP) process to find executive recruiting firms to assist with the hiring of the next permanent City Administrator. As directed, City staff directly solicited seven (7) firms that have experience conducting searches in Minnesota, and posted the RFP on the City Web site and on the League of Minnesota Cities Marketplace. As of this report, the City has received one (1) proposal and another firm indicating it intends to submit; two (2) firms have indicated they do not intend to submit proposals due to current workloads. The submittal deadline is May 22.

During the April 23 Council discussion regarding the RFP, Council members expressed interest to further review the duties and responsibilities of the City Administrator position. Section 3, Paragraph 2 of the RFP does identify the search firm assisting the City with this discussion; see italics below. There was general consensus from Council to review the current duties and responsibilities as noted in City Code at the next workshop (May 14).

Section 3, Paragraph 2 of RFP for City Administrator Search Firm

Review and discuss with the City Council the previous/current role and expected role of the City Administrator, provide sample job duties and descriptions, and create/update the duties and description for the North Branch City Administrator, as necessary.

Staff Recommendation

None.

Recommended City Council Action

None.

Voting Requirements:

Voting Options Simple Majority

DIVISION 2 CITY ADMINISTRATOR
Sec 2-288 Duties And Responsibilities

Sec 2-288 Duties And Responsibilities

1. The city administrator shall be appointed for an indefinite period or upon such conditions and/or an agreement as approved or agreed to by the city council.
2. The duties and responsibilities of the city administrator shall be as follows:
 1. Subject to city council regulations and applicable laws, the city administrator shall control and direct the administration of municipal affairs.
 2. The city administrator shall see that all laws, ordinances and resolutions of the city are enforced.
 3. The city administrator shall supervise the activities of all municipal department heads and personnel of the city in the administration of municipal policy with regard to department heads, the authority to effectively recommend their employment or removal. With regard to all other city employees, the city administrator shall have the authority to hire for existing positions and new positions approved by the city council, fire, demote and suspend employees subject to the terms and conditions of applicable bargaining agreements and accept resignations, all without further city council approval.
 4. The city administrator shall attend and participate in all meetings of the city council. He shall be responsible for the preparation of the city council agenda and recommend to the city council such measures as he may deem necessary for the welfare of the citizens and the efficient administration of the city. He may attend at his discretion, or at the direction of the city council, other committee and commission meetings.
 5. The city administrator shall prepare an annual fiscal budget and capital improvement plan for the city council. He shall maintain financial guidelines for the municipality within the scope of the approved budget and capital program. He shall submit reports to the city council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes.
 6. The city administrator shall handle all personnel matters for the city in conjunction with policy established by the city council.
 7. The city administrator shall represent the city at official functions as directed by the city council and maintain good public relations with the citizens of the community.
 8. The city administrator shall act as purchasing agent for the city and be responsible for making all purchases in accordance with the approved municipal budget. He shall have the authority to sign purchase orders for routine services, equipment and supplies for which the cost does not exceed 1,000.00 dollars. All claims resulting from orders placed by the city shall be audited for payment by the city council. He shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the city council.
 9. The city administrator shall coordinate municipal programs and activities as directed by city council. He shall monitor all consultant and contract work performed for the city. He shall coordinate the activities of the city attorney.
 10. The city administrator shall be informed regarding federal, state and county programs which affect the municipality. He shall consult with officials of both public and private agencies as may be required.
 11. The city administrator shall inform the city council on matters dealing with the administration of the city.
 12. The city administrator shall be required to take an oath of office. He shall be bonded, at city expense.

13. He shall perform all duties as prescribed by the job description and such other duties as may be prescribed by law or required of him by ordinance or resolution adopted by the city council.
3. The city administrator must have considerable knowledge of municipal government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper municipal operation. He must have knowledge of, or ability to acquire full knowledge of all laws affecting the municipality. He must have the ability to provide harmonious relations with municipal employees and the general public. He must have the ability to plan development, to collect material and analyze for reporting and to conduct and implement standards of procedure, operation and organization.
4. In the absence of, or temporary vacancy in the position of city administrator, the duties of city administrator shall be performed by the assistant city administrator.

(Code 1996, § 2.12.010)