



STAFF REPORT

DATE: June 2, 2020

CONSENT

AGENDA ITEM: Deletion of Fire Department from City Code

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

As was pointed out during the operational audit of the fire department, there are inconsistencies between the city code (sec 32.055-32.067) related to the fire department and other city policies and practices. For example, the audit found the code has issues as it relates to department organizational structure, reporting lines, and authority. The code says the fire department has 28 members and then in another section it says 35. The code says pay should be \$10.25 per hour for call however we update pay via council action each year and this is outdated. The code mentioned two type of firefighters but we've created new classifications with the addition of shifts. The code mentioned contribution to the Relief Fund but not PERA. These types of policies do not belong in a code that is not easily adaptable to changing personnel policies and updates to the fire department organization. The code says that the Mayor and Administrator select the fire chief from a pool of existing firefighters. Clearly Council's intention was not to limit recruitment to existing firefighters when they approved the hire of a recruitment firm. This also conflicts with the hiring processes as outlined in the City's personnel policy. There are likely more issues but these are the immediate ones that rise to the top.

ISSUE BEFORE COUNCIL:

Should the Council delete the sections of city code related to the fire department?

PROPOSAL:

In order to avoid conflicting directives and confusion for the new fire chief, I would propose we delete this section of code. The new chief can then work on refining any policies as needed and make a determination about what is needed in code and what is better suited in a city or departmental policy.

I've consulted with the city attorney to confirm there is no legal requirement to have info about a city's fire department in city code. Furthermore, most cities are minimizing the language in code if they have any so that they can be more adaptable in their changing of policies as the fire service industry changes.

RECOMMENDATION:

If removed from the consent agenda:

“Motion to Approve Ordinance No 08-236”

AND

“Motion to Approve Resolution No 2020-055 to allow for summary publication of Ordinance 08-236”

ATTACHMENT

- Ordinance No 08-236
- Summary Publication Resolution

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-236

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
DELETING THE FIRE DEPARTMENT CODES 32.055 THROUGH 32.067**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that City Code 32.055 through 32.067 relating to the Fire Department, shall be repealed as follows:

~~§ 32.055 ORGANIZATION.~~

~~—The Fire Department shall consist of 1 Chief, 1 Assistant Chief at each fire station, and up to 28 firefighters between the ages of 18 to 65 years of age who are approved by the Council.~~

~~(1997 Code, § 215.01)~~

~~§ 32.056 MEMBERSHIP.~~

~~—(A) The Fire Chief shall submit all applications or resignations from the Fire Department to the City Administrator.~~

~~—(B) The City Administrator will then notify the Council of any new applicants or resignations from the Fire Department.~~

~~(1997 Code, § 215.02)~~

~~§ 32.057 DUTIES.~~

~~—In all cases of fire, the Chief, or in the Chief's absence the Assistant Chief or next senior officer, shall have full control over all fire equipment and shall cause the equipment to be used in the most advantageous manner.~~

~~(1997 Code, § 215.03)~~

~~§ 32.058 RECORDS.~~

~~—(A) The Chief shall maintain records of all alarms, fire losses, methods of extinguishment, drills, and conditions of equipment and hydrants.~~

~~—(B) The Chief shall present current records to the Council at least quarterly.~~

~~(1997 Code, § 215.04)~~

~~§ 32.059 REMOVAL OF OBSTRUCTIONS.~~

~~—At any fire, the Chief and the Chief's assistant shall have authority to authorize and direct the removal of any and all obstructions from in front of and around fire hydrants.~~

(1997 Code, § 215.05)

§ 32.060 MAINTENANCE.

—The Chief shall properly maintain all fire equipment and facilities, inspect all new equipment, and conduct appropriate drills to maintain a reasonable level of skill among the firefighters.

(1997 Code, § 215.06)

§ 32.061 UNAUTHORIZED USE OF EQUIPMENT.

—Unauthorized use of equipment of facilities shall be a misdemeanor.

(1997 Code, § 215.07) [Penalty, see § 10.99](#)

§ 32.062 RIGHT OF WAY.

—(A) All personal cars of Fire Department members shall have right-of-way over all other traffic when responding to a call.

—(B) Firefighters' cars may be designated, if necessary. Firefighters shall obey all traffic laws en route to a fire alarm.

(1997 Code, § 215.08) [Penalty, see § 10.99](#)

§ 32.063 OBSTRUCTIONS.

—No person shall park any vehicle of any description or place any material or obstruction within 20 feet of the entrance to any fire station, or within 15 feet of any fire hydrant or fire cistern, nor park any vehicles within 300 feet of a fire.

(1997 Code, § 215.09) [Penalty, see § 10.99](#)

§ 32.064 FALSE ALARM.

—No person shall maliciously or intentionally sound a false fire alarm.

(1997 Code, § 215.10) [Penalty, see § 10.99](#)

§ 32.065 PURSUIT.

—No unauthorized person shall ride upon, race with, trail, or follow within 600 feet of any apparatus belonging to the Fire Department when actively responding to a fire alarm.

(1997 Code, § 215.11) [Penalty, see § 10.99](#)

§ 32.066 OBSTRUCTION OF FIRE DEPARTMENT.

—(A) It is unlawful for any person to oppose or obstruct a member of the Fire Department or a firefighter in the performance of any legal duty.

—(B) It is also unlawful for any person to obstruct or hinder the entry of a firefighter upon premises or into buildings or other places where a fire or fire hazard exists or is reasonably suspected to exist.

(1997 Code, § 215.12) [Penalty, see § 10.99](#)

~~§ 32.067 COMPOSITION, APPOINTMENT AND THE LIKE.~~

~~—(A) *Composition.* The Lake Elmo Fire Department (the "Fire Department") is a volunteer department of the City of Lake Elmo (the "City") and shall consist of a fire chief; 2 district fire chiefs; 4 fire captains, and up to 28 additional firefighters. A total of 35 positions are authorized. The Fire Department is also authorized 2 volunteer support services positions (non firefighter) with need defined and requested by the chief and approved by the City Administrator. Payment structure will be defined by the City Administrator.~~

~~—(B) *Position classification.* Firefighter positions have 2 classifications for compensation purposes: The city's employee/voluntary firefighter and voluntary firefighter. Non firefighter positions will be defined as Volunteer Support Services.~~

~~—(C) *Compensation.* City employee voluntary firefighter positions shall be compensated at an annual stipend rate of \$2,500 per year. This compensation will be provided to a volunteer firefighter, in good standing, who is a City employee that volunteers for the Fire Department. City volunteer firefighter positions shall be compensated at a rate of \$10.25 per hour for calls for service. The compensation for voluntary firefighter service will change as proposed by the City Administrator and approved by the City Council. In addition, an annual and equal contribution to the city's Fireman's Retirement/Relief Association will be provided for each firefighter position regardless of the position or employment classification. The rate of contribution will vary as required by Minnesota Statute.~~

~~—(D) *Appointment of Fire Chief.* The replacement of the Fire Chief shall be selected by the Mayor and City Administrator from a pool of existing city firefighters, who have formally expressed interest in position through an application process and after achieving the established selection criterion. The Fire Chief will report to the City Administrator for overall management and regulation subject to the review by the City Council. The City Administrator and Mayor shall define the selection process. The selected candidates name shall be forwarded to the City Council for appointment confirmation. The Chief shall remain in that appointed position unless removed by the City Administrator and Mayor after formal concurrence by the City Council. The City Administrator and Mayor shall provide an annual evaluation of the fire chief. A volunteer fire chief stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(E) *Appointment of District Fire Chiefs.* The District Fire Chiefs shall be selected in a designed process by the City Administrator and the Fire Chief and confirmed by the City Council. The District Fire Chiefs will continue to serve in the appointed position unless removed by the City Administrator and Fire Chief and confirmed by the City Council. The District Fire Chiefs will report to the Fire Chief for overall management and regulation. A volunteer District Fire Chiefs stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(F) *Appointment of Fire Safety Officer.* The Fire Safety Officer shall be selected by the Fire Chief and, recommended to the City Administrator for confirmation by the City Council. The Fire Safety Officer will continue to serve in the appointed position unless removed by the City Fire Chief and City Administrator for confirmation by the City Council. The Fire Safety Officer will report to the Fire Chief for overall management and regulation. A volunteer Fire Safety Officer stipend will also be paid in addition to volunteer firefighter payment for responding to calls for service.~~

~~—(G) *Appointment of Fire Captains.* The Fire Captains shall be selected in a designed process by the City Fire Chief, District Fire Chiefs and recommended to the City Administrator for confirmation by the City Council. The position of Captain will continue to serve in the appointed volunteer position unless removed by the Fire Chief and recommended to the City Administrator for confirmation in by the City Council. The Captains will report to the Fire Chief and District Fire Chiefs for overall management and regulation. A volunteer Fire Captain's stipend will also be paid in addition to the volunteer firefighter payment for responding to calls for service.~~

~~—(H) *Fire Department Policy Manual.* The Fire Chief and District Fire Chiefs shall develop, review and implement Department policies to communicate existing rules, operational procedures and practices and to establish performance standards. Policy developed shall be reviewed by the District Fire Chiefs, Fire Captains and the Fire Safety Officer prior to review and concurrence by the city's Administrator. Department Policies shall define as required behavior. Standard Operating Guidelines (SOGs) shall also be developed in a separate section of the Departmental Policy Manual. SOGs should be considered as guidance's and not required behavior. All Fire Department SOGs will have a final review and concurrence by the City Administrator. Any portion of an SOG developed or implemented determined in conflict with City operational practice or law will be considered repealed.~~

~~—(I) *Equipment.* The Fire Chief shall prepare and, from time to time update, an inventory of the Fire Department equipment and shall recommend additions to or replacement of equipment for inclusion in the city's Capital Improvement Program.~~

~~—(J) *Unauthorized use of equipment.* Unauthorized use of Fire Department equipment or facilities shall be a misdemeanor.~~

~~—(K) *Right of way.* All personal cars of Fire Department members shall have right of way over all other traffic when responding to a call. Firefighters cars may be designated as such if necessary. Firefighters shall obey all traffic laws en route to a fire alarm.~~

~~—(L) *Obstructions.* No person shall park any vehicle of any description or place any material or any obstruction within 20 feet of the entrance to a fire station or within 15 feet of any fire hydrant or fire system. No person shall park any vehicles within 300 feet of a fire. No person shall oppose or obstruct a member of the Fire Department or a firefighter in the performance of any legal duty. No person shall obstruct or hinder the entry of a firefighter upon premises or into buildings or other places where a fire or fire hazard exists or is reasonably suspected to exist.~~

~~—(M) *False alarm.* No person shall maliciously or intentionally sound a false alarm.~~

~~—(N) *Pursuit.* No unauthorized person shall ride upon, race with, trail or follow within 600 feet of any apparatus belonging to the Fire Department when actively responding to a fire alarm.~~

~~{Ord. 97-141, passed 9-21-2004}~~

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-XXX was adopted on this ____ day of June 2020 by a vote of ____ Ayes and ____ Nays

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-XXX was published on the ____ day of _____, 2020.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2020-055

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-236

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 08-236, an ordinance related to the fire department and deleting sections 32.055 through 32.067.

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-236 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-236, which deletes the City Code language for the Fire Department. The following is a summary of the adopted ordinance language:

- It deletes the section of City Code related to the Fire Department (Sec. 32.055 through 32.067) including but not limited to organization, membership, duties, records, removal of obstructions, etc.
- The Lake Elmo Fire Department remains and will be operating under department and city policies.

The full text of Ordinance No. 08-236 is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: June 2nd, 2020

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk