

ORDINANCE NO. 2024-02

**CITY OF WELLS
COUNTY OF FARIBAULT
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING WELLS CITY CODE SECTIONS 31.01-31.13 RELATED
TO THE PARK BOARD**

WHEREAS, the City Council of the City of Wells, Minnesota (the “City”) wishes to update the City’s Code of Ordinances regarding the creation, membership, operation and responsibilities of the City’s Park Board to remove outdated language and clarify who may serve as members of the Park Board, among other things.

Now therefore, the City Council of the City of Wells does ordain:

SECTION 1. Wells City Code of Ordinances, Sections 31.01-31.13, are hereby amended to delete the stricken-out text and add the additional underscored text to read as follows:

§ 31.01 CREATION; MEMBERS.

(A) There shall be a Park Board to consist of 3 voting members appointed by the Mayor, with the consent of the City Council of the City of Wells, as hereinafter provided, all of whom shall continue in office until the expiration of their several terms and until their successors are appointed and qualified, as herein provided.

(B) (1) The members of the Board shall be residents ~~and freeholders~~ of the city, and shall be appointed by the City Council of the City of Wells and, ~~except as otherwise provided in this section~~, shall hold their offices for the term of 3 years. Members of the Board may serve concurrently on the City Council and on other boards and commissions of the City of Wells, however, not more than one voting member of the Park Board may also be a voting member of City Council.

(2) One member of the City Council shall be appointed each year as a non-voting liaison member to the Park Board.

(3) ~~It is hereby made the duty of the City Council of the City of Wells to appoint 3 persons to be members of the Board, 1 for 3 years, 1 for 2 years, and 1 for 1 year, and thereafter, upon the expiration of the terms of office of the members of the Board so appointed, the City Council shall appoint a successor to each of the members, who shall hold his or her office for the term of 3 years.~~ Members of the Board shall serve 3-year terms. Vacancies ~~in-on~~ the Board shall be filled by the City Council for the unexpired term or terms, but the resignation of a member shall not take effect until his or her successor ~~shall have~~ has been appointed and qualified.

§ 31.02 OATH OF OFFICE; ~~PRESIDENT AND VICE PRESIDENT~~ OFFICERS.

(A) Each person appointed a member of the Board shall, before ~~entering upon~~ beginning his or her Board duties, file a written acceptance and oath of office in the office of the City Administrator-Clerk-Treasurer.

(B) The Board shall, at its first regular meeting in April of each year, elect a President, a Vice President, and a Secretary from its members. ~~It shall also, from time to time, appoint and employ the agents and employees as it shall deem necessary, whose compensation shall be fixed by the Board and to be paid out of the Park Fund.~~

§ 31.03 LEGAL COUNSEL.

The City Attorney shall act as the attorney for the Board.

§ 31.04 MEETINGS; MINUTES.

The Park Board shall hold at least one regular meeting each month, which shall be on the first Tuesday of the month at 4:30 p.m. A record shall be kept of resolutions, transactions and findings, and that record shall be available to the public.

§ 31.035 SECRETARYREPORTS.

(A) **Monthly Reports.** (1) The Secretary shall submit monthly written reports of the activities of the Board to the City Council.

(2) The monthly statement of receipts and disbursements from the Park Fund shall be a part of the City Administrator Clerk-Treasurer's financial statement distributed to the Mayor and City Council every month.

(B) **Annual Report.** The Secretary shall submit to the Board, in the month of February in each year, a report of the transactions of the Board at its meetings during the last fiscal year, ending February 26, including a detailed statement of the receipts and expenditures of the Board during the period, which statement shall have first been submitted to the City Administrator-Clerk-Treasurer, and approved by him or her as correct. In the same month, the Board shall submit to the City Council a report of the work done under its supervision during the last fiscal year, together with a classified and tabulated statement of expenditures on any and all the parks and parkways for maintenance and improvement, respectively, stating under each head, the several amounts expended for labor, material, and administration; and also a statement of the receipts of the department from every source. The last named report shall be deemed the annual report of the Board and shall be published. This annual report shall also be included with the City Administrator Clerk-Treasurer's annual financial statement.

§ 31.06 POWERS AND DUTIES GENERALLY.

The powers and duties of the Board are as follows:

(A) **Land acquisition and control.** The Board may recommend acquisition of land for park purposes to the City Council.

(B) **Employment.** The Board shall make recommendations to the City Council for employing necessary personnel and shall also recommend their compensation.

(C) **Construction.** With City Council approval, the Board may construct necessary structures and make improvements in the park areas.

(D) **Contracts.** (1) The Board may, with the delegation by and consent of the City Council, make contracts and leases for construction and operation of park facilities upon terms agreeable and in the best interest of the city. Every contract and lease shall provide that the facilities be operated for the public use and convenience and that the charges shall be reasonable, and it shall reserve to the Board the power to prescribe reasonable rules and regulations from time to time for the conduct of the privileges.

(2) All contracts must be signed by the President or Vice President of the Board and Secretary of the Board, and affixed thereto its official seal.

(3) No commissioners, ~~or officers~~ or other employee of the Board shall ~~be~~ have a personal financial interest in any contract made under the authority of the Board, pursuant to Minn. Stat. 471.87.

(E) **Purchase of supplies, equipment and services.** The Board may purchase all necessary materials, supplies, equipment and services as set forth in the budgeting and purchasing procedures for all departments in the city, subject to and with City Council approval.

(F) **Entertainment.** The Board may provide musical entertainment and other entertainment for the general public. The Board may charge a fee for entertainments.

(G) **Golf Club.** The Board may set and charge a membership fee and/or a greens fee for the use of the park for the purpose of playing golf at the City's Golf Club, and may formulate reasonable rules and regulations related to the Golf Club.

(H) **Additional powers.** The Board may perform whatever other acts are reasonable, necessary and proper to carry out the powers specified herein for the operation, maintenance and management of parks, parkways and recreational facilities, subject to City Council approval as specified herein.

§ 31.07 PLANNING DUTIES.

The Park Board shall be in charge of and have the following planning duties:

(A) To do long-range planning regarding the future of the existing parks and recreational facilities within the city;

(B) To develop additional programs for recreation within the city;

(C) To study the immediate and long-range park needs of the city;

(D) To make recommendations concerning the types of parks to be included within future developments within the city; and

(E) To submit reports and recommendations to the City Council as are herein required or as may be requested by the City Council concerning the preceding subjects or other related subjects.

APPROPRIATIONS.

~~—The City Council, in its discretion, may make appropriations for use of the Park Board from time to time as deemed advisable by them; provided, however, that no more than the sum of \$1,000 be so appropriated in any 1 year.~~

§ 31.05 CONTRACTS; QUORUM; RULE ADOPTION.

~~—(A) (1) The Board shall have a common seal, and shall be capable of entering into, performing, and enforcing, on behalf of the city, contracts relating to matters within the jurisdiction of the Board.~~

~~—(2) All contracts must be signed by the President or Vice President of the Board and Secretary of the Board, and affixed thereto its official seal.~~

~~—(B) A majority of the members of the Board shall constitute a quorum but a less number thereof may adjourn a meeting from time to time.~~

~~—(C) The Board may adopt rules governing its meetings and proceedings, and the duties of its officers and employees.~~

~~—(D) No commissioners or officer or other employee of the Board shall be interested in any contract made under the authority of the Board.~~

§ 31.08 BUDGET.

(A) **Annual Budget.** The Park Board shall submit a yearly budget to the City Administrator-Clerk-Treasurer on or before a date to be specified each year. The budget shall be reviewed in the same manner as all department budgets within the General Fund. Upon approval by the City Council, the entire budget shall be certified to the County Auditor for the annual levy. All claims and disbursements of the Park and Recreation Department shall be deducted from the approved annual appropriated amount. The City Administrator-Clerk-Treasurer, upon the request of the Park Board, shall furnish a budget comparison showing budget appropriations, expenditures and unexpended balance.

(B) **Claims.** All claims for payment of Park Department purchases shall be approved and initialed by the President or Vice President prior to audit and payment authorized by the City Council.

(C) **Dedicated Park Funds.** All moneys whatsoever which may be derived from leases of privileges, donations of money, fines, or from any other source whatsoever connected with the use, abuse, benefit, or enjoyment of any park or parkway shall be placed in the city treasury to the credit of the Park Fund.

§ 31.062 COMPENSATION.

The Board members shall receive compensation for their services on a yearly basis to be determined by the City Council.

§ 31.07 PROVIDING ENTERTAINMENTS.

~~—(A) The Board shall have the management and control of all lands which have been or may be acquired for parks or parkways in the city, and shall direct all expenditures from the Park Fund for the maintenance and improvement of the parks and parkways.~~

~~—(B) (1) The Park Board may, either in its own right or by authority by it granted to other persons or organizations, in case of entertainments to be had in the park, charge gate receipts therefor, either at the gate of the park or at the entrance of the entertainment, as may be authorized by the Park Board, had within the park.~~

~~—(2) The Park Board may formulate rules and regulations for the conduct of persons using the park for specified purposes and may either, in its own right formulate a set of rules and regulations covering specific activities had within the park, or may delegate to a committee in charge of specific activities the right to formulate a set of rules covering a particular activity, and when the power is delegated, the rules of the organization shall have the same force and effect as if formulated by the Park Board; the rules, however, to be enacted with the same formality as those required where the power herein granted is exercised directly by the Park Board, and in connection with the use of the golf course of the park, either as now established or as hereafter may be enlarged or improved, the Park Board, may, either directly or through a delegated power herein authorized, charge or permit the delegation to charge a membership fee and/or a greens fee for the use of the park for the purpose of playing golf and may formulate reasonable rules and regulations in prohibiting persons not engaged in playing golf from carrying on activities hindering or impeding the free activities of those rightfully using the golf course, and further prohibit the fairways of the golf course and/or the so-called greens, whether of grass turf or other improved greens, from being used in any manner that would tend to make them less adaptable for the purpose for which they were created. All rules formulated by delegated power are subject to the approval of the Park Board.~~

§ 31.0810 SETTING APART STREETS.

The City Council shall have the power to set apart any street or avenue, or any section thereof, as parkway and to place the same under the supervision of the Park Board for the specific and limited purposes of improvement or ornamentation as may be named in the resolution or ordinance of the City Council.

§ 31.0911 PARK FUNDS AND LANDS.

~~—(A) All moneys whatsoever which may be derived from lease of privileges, donations of money, fines, or from any other source whatsoever connected with the use, abuse, benefit, or enjoyment of any park or parkway shall be placed in the city treasury to the credit of the Park Fund.~~

~~—(B) All expenditures of the Park Board, payment of which is not herein otherwise provided for, shall be paid from the Park Fund not otherwise appropriated, and all moneys received by the Board from any source shall, where not herein otherwise directed, to be paid into the city treasury to the credit of the Fund.~~

~~—(C) All expenditures shall be audited by the Park Board, and shall be paid by the City Administrator Clerk Treasurer only upon warrants of the Board signed by its President, or Vice President, and Secretary.~~

~~—(D) Lands which may have been heretofore or may be hereafter acquired for park purposes shall not be alienated nor diverted to other uses, and shall remain forever parks and parkways for the use of all the inhabitants of the city.~~

§ 31.1012 PARK RULES: ADOPTION AND, PUBLICATION AND PENALTIES.

(A) **Hours.** All city parks shall be open to the public from 6:00 a.m. to 11:00 p.m. each day of the week. No person, except police officers and city employees, shall be allowed in any park between the hours of 11:00 p.m. and 6:00 a.m. each day, unless given special permission by the City Council.

(B) **Additional Rules.** The Park Board of the city shall adopt additional rules and regulations to secure the quiet, orderly, and suitable use and enjoyment of the park, parks, and parkways of the City of Wells, which the rules and regulations shall be published once in a local newspaper of the city and 3 copies of the rules and regulations shall be posted in conspicuous places within the each park. Changes of the rules may be made from time to time by the Park Board publishing the change in a local newspaper of the city, and posting the same in 3 conspicuous places in the same manner as provided by the adoption of the original rules and regulations.

(C) **Penalties.** Any person violating § 31.10(A) or any adopted park rule for which no specific penalty is prescribed shall be subject to § 10.99.

§ 31.11 PARK POLICE.

~~—The Park Board shall deputize all employees regularly working for and under the supervision of the Park Board being paid out of the Park Fund as police officers with the powers in this section conferred to enforce the rules and regulations as the Park Board may enact under the authority of this section conferred.~~

§ 31.123 CITY COUNCIL JURISDICTION IN PARKS.

The City Council shall have the same power and jurisdiction in respect to laying water mains and sewers and lighting along the parkways in the city as it now has in respect to laying the same along the public streets.

§ 31.13 VIOLATION OF PARK RULES.

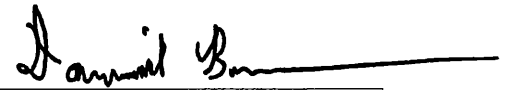
~~—(A) It shall be unlawful for any person to violate the rules and regulations as to the use of the park, parks, or parkways of the City of Wells, posted by the Park Board in or upon the park, parks, or parkways as hereinbefore provided.~~

~~—(B) Any person under the age of 18 years, violating the rules and regulations of the Park Board, may, at the discretion of the Board, be expelled from coming into or in any manner using~~

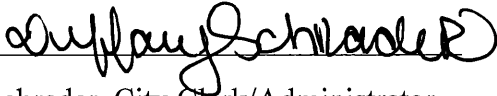
~~the park, parks, or parkways for a period of not less than 10 days nor more than 60 days for each conviction. Complaint of violation under this section shall be made in writing by any employee of the Park Board and filed with the Secretary of the Board, and any person coming under this section so accused of a violation may state any defense he or she may have thereto and shall have the right to call witnesses before the Board to give evidence in his or her behalf. The trial of the accused may be had by not less than 2 members of the Board and the findings of the Board as to expulsion from the park shall be final.~~

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on the first day of publication after adoption.

Passed this 8th day of July, 2024.



David Braun, Mayor

ATTEST 

Tiffany Schrader, City Clerk/Administrator