

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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GENERAL ADMINISTRATION**§ 30.01 AUTHORITY AND PURPOSE.**

Pursuant to authority granted by statute, this chapter and Chapter 31 are enacted so as to set down for enforcement the government and good order of the city by and through the Council.

(Prior Code, § 2.01)

§ 30.02 COUNCIL MEETINGS.

Regular meetings of the Council shall be held twice a month at a time established by resolution of the Council at the organizational meeting in January of each year. The place of the meeting shall be in the Council Chambers in the City Hall, unless otherwise designated by action of the Council. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on an alternate date to be set by the Council.

(Prior Code, § 2.02)

§ 30.03 COUNCIL PROCEDURE AT REGULAR MEETINGS.

(A) The City Clerk shall prepare the following items:

(1) An agenda for the forthcoming meeting;

(2) A compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the city during the preceding month, the list to be called the "Claim Report" and bearing headings "Claimant", "Purpose" and "Amount";

(3) A copy of all minutes to be considered; and

(4) Copies of other proposals, communications or other documents as the City Clerk deems necessary or proper for advance consideration by the Council.

(B) The City Clerk shall forthwith cause to be mailed or delivered to each member of the Council copies of all the documents. Robert's Rules of Order (newly revised) shall govern all Council meetings as to procedural matters not set forth in the city code.

(Prior Code, § 2.03)

§ 30.04 CITY SEAL.

All contracts to which the city is a party shall be sealed with the city seal. The seal shall be kept in the custody of the City Clerk and affixed by him or her. The official city seal shall be a circular disc having engraved thereupon "CITY OF KEEWATIN" and other words, figures or emblems as the Council may, by resolution, designate.

(Prior Code, § 2.04)

§ 30.05 RIGHT TO ADMINISTRATIVE APPEAL.

If any person shall be aggrieved by any administrative decision of the City Clerk or any other city official, or any Board or Commission not having within its structure an appellate procedure, the aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and City Clerk at least five days prior to any regular Council meeting. The request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At the hearing, the appellant may present any evidence he or she deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his or her own motion or the motion of the appellant, the City Clerk, or a member of the Council, adjourn the hearing to a more convenient time or place, but the time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

(Prior Code, § 2.05)

§ 30.06 RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.

The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. The rules of procedure shall be effective 30 days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

(Prior Code, § 2.06)

§ 30.07 FACSIMILE SIGNATURES.

The Mayor, City Clerk and City Treasurer are hereby authorized to request a depository of city funds to honor an order for payment when the instrument bears a facsimile of his or her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his or her manually written signature. The authority is granted only for the purpose of permitting the officers an economy of time and effort.

(Prior Code, § 2.07)

§ 30.08 DEPUTY CITY CLERK.

(A) *Position created.* The position of Deputy City Clerk is hereby created.

(B) *Delegation of duties.* A portion of the bookkeeping duties, as may be determined from time to time, performed by the City Clerk, are hereby delegated to the Deputy City Clerk.

(C) *Bond.* The Deputy City Clerk shall furnish a fidelity bond conditioned on the faithful exercise of his or her duties. In lieu of the individual bond, the Council may provide for a blanket bond, furnished by a surety company authorized to transact business in the state, and covering the position and duties of the Finance Officer. Premiums on either of the bonds shall be paid from city funds.
(Prior Code, § 2.08)

§ 30.09 DEPUTY CITY TREASURER.

(A) *Position created.* The position of Deputy City Treasurer is hereby created.

(B) *Delegation of duties.* A portion of the bookkeeping duties, as may be determined from time to time, performed by the City Treasurer, are hereby delegated to the Deputy City Treasurer.

(C) *Bond.* The City Treasurer shall furnish a fidelity bond conditioned on the faithful exercise of his or her duties. In lieu of the individual bond, the Council may provide for a blanket bond, furnished by a surety company authorized to transact business in the state, and covering the position and duties of the Finance Officer. Premiums on either of the bonds shall be paid from city funds.

(D) *Signing of checks.* In the absence of the City Treasurer, the Deputy City Treasurer is hereby authorized to sign checks on behalf of the City Treasurer. At no time would the Deputy City Treasurer and the Deputy City Clerk sign checks on behalf of the City Clerk and the City Treasurer, should the Deputy City Clerk and the Deputy City Treasurer be one and the same person.
(Prior Code, § 2.08.1) (Ord. 50, passed 4-20-2001)

§ 30.10 INTERIM EMERGENCY SUCCESSION.

(A) *Purpose.* In the event of a nuclear attack or other disaster requiring a declaration of a state of emergency, it is found urgent and necessary to ensure 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.*

(1) In the event of a nuclear attack upon the United States or a disaster affecting the vicinity of the city, the Mayor, Council and City Clerk 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 alternative place of meeting may be designated.

(2) Those gathered shall proceed as follows.

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

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

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

(d) 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.

(e) The interim successors shall serve until a time as the duly elected official is again available and returns to his or her position, or the state of 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, § 2.09)

§ 30.11 SALARIES OF MAYOR, COUNCIL PERSONS, CLERK AND TREASURER.

The salaries of the Mayor, Council persons, Clerk and Treasurer will be set by the City Council from time to time.

(Prior Code, § 2.10) (Ord. 56, passed 11-1-2002)

§ 30.12 WORKER'S COMPENSATION.

(A) *Contractors.* The city shall not enter into any contract for doing public work before receiving from all other contracting parties acceptable evidence of compliance with the worker's compensation insurance coverage requirement of state statutes.

(B) *City officers.* All officers of the city elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of “employee” as defined in state statutes relating to coverage for purposes of worker’s compensation entitlement.

(Prior Code, § 2.11) (Ord. 3, passed 7-14-1989)

§ 30.13 BONDS.

(A) City employees, as determined by the Council, shall furnish fidelity bonds, the premiums on which shall be paid by the city.

(B) The bonds may be either individual or blanket, as determined by the Council.

(Prior Code, § 2.12)

§ 30.14 EMERGENCY MANAGEMENT.

(A) *Statute adopted.* The Minnesota Emergency Management Act of 1996, M.S. Chapter 12, as it may be amended from time to time, insofar as it relates to cities, is hereby adopted by reference as part of this section, as fully as if set forth explicitly herein.

(B) *Establishment of an Emergency Management Agency.* There is hereby created within the city government an Emergency Management Agency, which shall be under the supervision of a Director to be appointed forthwith by the Mayor. The Director shall have direct responsibility for the organization, administration and operation of the Emergency Management Agency, subject to the overall direction and control of the Council.

(C) *Emergency Preparedness Plan.* The Council may, by resolution, adopt, from time to time amend, or repeal an emergency preparedness plan for the city.

(Prior Code, § 2.13) (Ord. 38, passed 11-27-1998)

§ 30.15 ELECTIONS.

(A) *Election primaries.* All elections, including special elections, will no longer have a primary as of the effective date of this revised section.

(B) *Special elections to fill vacancy.* If a vacancy occurs in an elected office in the city where less than one-half of the term remains, the City Council may appoint a person until the next regularly scheduled election for that position. If a vacancy occurs in an elected office in the city where more than one-half of the term remains, the City Council may appoint a person until the next regularly scheduled

election when the city will hold a special election to fill the remaining term of the position. Notice of filings for the vacancy shall be posted and published with the regular city election. (Prior Code, § 2.14) (Ord. 51, passed 7-13-2001; Ord. 79, passed 10-12-2011)

CITY POLICIES AND PROCEDURES

§ 30.30 DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.

(A) *Disposal of abandoned motor vehicles.*

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

ABANDONED MOTOR VEHICLE. A motor vehicle as defined in M.S. Chapter 169, as it may be amended from time to time, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of the property, or in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the city. A classic car or pioneer car, as defined in M.S. Chapter 168, as it may be amended from time to time, shall not be considered an ***ABANDONED MOTOR VEHICLE*** within the meaning of this section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the city code, shall not be considered ***ABANDONED MOTOR VEHICLES*** within the meaning of this section.

JUNK VEHICLE. A vehicle that is three years old or older; is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train or transmission, is apparently inoperable; does not have a valid, current registration plate; and has an approximate fair market value equal only to the approximate value of the scrap in it.

UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to state statutes, but is not a junk vehicle or abandoned vehicle.

VITAL COMPONENT PARTS. The parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

(2) *Custody.* The city may take into custody and impound any abandoned or junk motor vehicle, or any unauthorized vehicle as provided by statute.

(3) *Sale; waiting periods.*

(a) An impounded vehicle is eligible for disposal or sale 15 days after notice to the owner if the vehicle is determined to be a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale; or an abandoned motor vehicle.

(b) An impounded vehicle is eligible for disposal or sale 45 days after notice to the owner if the vehicle is determined to be an unauthorized vehicle.

(4) *Notice.*

(a) When an impounded vehicle is taken into custody, the city or impound lot operator shall give notice of the taking within five days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if the information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under division (A)(5) below, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under statute shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to division (A)(6) below.

(b) The notice shall be sent by mail to the registered owner, if any, of the impounded motor vehicle and to all readily identifiable lien holders of record. This information shall be made available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lien holders of record.

(5) *Right to reclaim.*

(a) The owner or any lien holder of an impounded motor vehicle shall have the right to reclaim the vehicle from the city or impound lot upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days as applicable under this section after the date of the notice required by this section.

(b) Nothing in this division (A)(5) shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of the lien holder to foreclose. For the purposes of this division (A)(5), **GARAGE KEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

(6) *Auction or sale.*

(a) An abandoned or unauthorized motor vehicle and contents taken into custody by the city or any impound lot and not reclaimed under division (A)(5) above may be disposed of or sold at auction or sale when eligible pursuant to division (A)(5) above. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles, which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(b) From the proceeds of the sale of an abandoned or unauthorized motor vehicle by the city or public impound lot, the city shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this division (A). Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the city.

(c) The operator of a nonpublic impound lot may retain any proceeds from a sale derived from a sale conducted under the authority of this section. The operator may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale; except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

(7) *Operator's deficiency claim.* The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle, minus the proceeds of the sale or auction. The claim for storage costs may not exceed the cost of 25 days' storage for an abandoned or junk vehicle and 55 days' storage for a vehicle determined to be an unauthorized vehicle.

(8) *Disposal of vehicles.* Where no bid has been received for an abandoned or junk motor vehicle, the city may dispose of it in accordance with this division (A).

(9) *Contracts and disposal.*

(a) The city may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(b) Where the city enters into a contract with a person duly licensed by the State Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the city for the costs incurred under the contract which have not been reimbursed.

(c) If the city utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

(B) *Disposal of unclaimed property.*

(1) *Definition.* The term **ABANDONED PROPERTY** means tangible or intangible property that has lawfully come into the possession of the city in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the city for at least 60 days and has been declared such by a resolution of the Council.

(2) *Preliminary notice.* If the City Administrator knows the identity and whereabouts of the owner, he or she shall serve written notice upon him or her at least 30 days prior to a declaration of abandonment by the Council. If the city acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator notice shall also be served upon him or her. The notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of 30 days from the date of the notice.

(3) *Notice and sale.* Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of the property. The text of the notice shall also state the time, place and manner of sale of all the property, except cash and negotiables. The notice shall be published once in a legal newspaper at least ten days prior to the sale. Sale shall be made to the highest bidder at public auction or sale or by a nonprofit organization with a significant mission of community service in a private sale in the manner authorized by statute.

(4) *Funds and claims thereon.* Expenses shall be paid from the proceeds of the sale; the balance of the proceeds shall be paid into the General Fund of the city if the property was disposed of by a public auction or sale; or in the case of a private sale, to the nonprofit organization authorized to conduct the sale. The former owner, if he or she makes claim within six months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice and sale expenses, but without interest.

(C) *Disposal of excess property.*

(1) *Declaration of surplus and authorizing sale of property.* The City Clerk may, from time to time, recommend to the Council that certain personal property (chattels) owned by the city is no longer needed for a municipal purpose and should be sold. By action of the Council, the property shall be declared surplus, the value estimated and the City Clerk authorized to dispose of the property in the manner stated herein.

(2) *Surplus property with a total estimated value of less than \$100.* The City Clerk may sell surplus property with a total value of less than \$100 through negotiated sale.

(3) *Surplus property with a total estimated value between \$100 and \$500.* The City Clerk shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100 to \$500. Notice of the public sale shall be given, stating time and place of sale, and generally describing the property to be sold, at least ten days prior to the date of sale, either by publication once in the official newspaper, or by posting in a conspicuous place in the City Hall at the City Clerk's option. The sale shall be by public sale.

(4) *Surplus property with a total estimated value over \$500.* The City Clerk shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500. Notice of the public sale shall be given, stating time and place of sale, and generally describing property to be sold, at least ten days prior to the date of sale by publication once in the official newspaper. The sale shall be to the person submitting the highest bid.

(5) *Receipts from sales of surplus property.* All receipts from sales of surplus property under this section shall be placed in the General Fund.

(D) *Persons who may not purchase; exception.*

(1) No employee of the city who is a member of the administrative staff, department head, a member of the Council or an advisor serving the city in a professional capacity may be a purchaser of property under this section. Other city employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.

(2) It is unlawful for any person to be a purchaser of property under this section if the purchase is prohibited by the terms of this section.

(Prior Code, § 2.50) (Ord. 29, passed 8-2-1996; Ord. 38, passed 11-27-1998) Penalty, see § 10.99

§ 30.31 DEFERMENT OF SPECIAL ASSESSMENTS.

(A) The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, and the City Clerk is hereby authorized to record the deferment of special assessments where the following conditions are met.

(1) The applicant must apply for the deferment not later than 90 days after the assessment is adopted by the Council.

(2) The applicant must be 65 years of age, or older, or retired by virtue of permanent and total disability.

(3) The applicant must be the owner of the property.

(4) The applicant must occupy the property as his or her principal place of residence.

(5) The applicant's income from all sources shall not exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing.

(B) The deferment shall be granted for as long a period of time as the hardship exists and the conditions as aforementioned have been met; however, it shall be the duty of the applicant to notify the City Clerk of any change in his or her status that would affect eligibility for deferment.

(C) The entire amount of deferred special assessments shall be due within 60 days after loss of eligibility by the applicant. If the special assessment is not paid within 60 days, the City Clerk shall add thereto interest at 8% per annum from the due date through December 31 of the following year and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant plead and prove, to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay within 60 days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.

(D) The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

(1) The death of the owner when there is no spouse who is eligible for deferment;

(2) The sale, transfer or subdivision of all or any part of the property;

(3) Loss of homestead status on the property; and

(4) Determination by the Council for any reason that there would be no hardship to require immediate or partial payment.

(Prior Code, § 2.51)

§ 30.32 SPECIAL ASSESSMENT POLICY.

The Council may, by resolution, adopt, from time to time amend, or repeal a special assessment policy.

(Prior Code, § 2.52)

§ 30.33 FRANCHISES.

(A) *Definition.* The term **FRANCHISE**, as used in this section, shall be construed to mean any special privileges granted to any person in, over, upon or under any of the streets or public places of the city, whether the privilege has heretofore been granted by it or by the state, or shall hereafter be granted by the city or by the state.

(B) *Franchise ordinances.* The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semipermanent fixtures for the purpose of constructing or operating railways, telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place the fixtures in those places.

(C) *Power of regulation reserved.* The city shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether the franchise has been heretofore granted by it or by the state.

(D) *Conditions in every franchise.* All conditions specified in this section shall be a part of every franchise, even though they may not be expressly contained in the franchise.

(1) The grantee shall be subject to and will perform on its part all the terms of this section and will comply with all pertinent provisions of the city code, as the same may from time to time be amended.

(2) The grantee shall in no case claim or pretend to exercise any power to fix fares, rates and charges; but that the fares, rates and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the state, in the manner following.

(a) A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested.

(b) If possible, maximum rates and charges shall be arrived at by direct negotiation with the Council.

(c) If direct negotiations fail to produce agreement, the Council shall, not less than 30 days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The

board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

(3) The Council shall have the right to require reasonable extensions of any public service system from time to time, and to make rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(4) The grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the city to acquire the public utility exercising the franchise, any return on account of the franchise or its value.

(5) No sale or lease of the franchise shall be effective until the assignee or lessee shall have filed with the city an instrument, duly executed, reciting the facts of the sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

(6) Every grant in the franchise contained of permission for the erection of poles, masts or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.

(E) *Provision to acquire.* Every franchise shall contain a provision granting the city the right to acquire the same in accordance with statute.

(F) *Fees.* The franchisee may be obligated by the city to pay the city fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the city.

(G) *Further provisions of franchises.* The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the city's interests, nor shall anything contained in this section limit any right or power possessed by the city over existing franchises. (Prior Code, § 2.53)

§ 30.34 TRUST OR ESCROW ACCOUNT FOR FIRE OR EXPLOSION LOSSES.

The city may establish a trust or escrow account to hold proceeds from losses arising from fire or explosion of insured real property located within the city. The city may utilize these funds to secure, repair or demolish damaged or destroyed structures and clear the property in question, so that the structure and property are in compliance with local code requirements and applicable city code provisions. Any unused portion of the retained proceeds shall be returned to the insured. In addition, the regulatory and procedural provisions of M.S. § 65A.50, as it may be amended from time to time, Trust or Escrow Accounts; Insured Real Property Fire or Explosion Loss Proceeds are hereby incorporated herein and adopted by reference, including the penalty provision thereof.
(Prior Code, § 2.60) (Ord. 29, passed 8-2-1996)

CHAPTER 31: CITY ORGANIZATIONS

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§ 31.01 DEPARTMENTS GENERALLY.

(A) *Control.* All departments of the city are under the overall control of the Council. Heads of all Departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

(B) *Appointment.* All department heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable civil service regulations in effect in the city.

(C) *Compensation.* All wages and salaries shall be fixed and determined by the Council.
(Prior Code, § 2.30)

§ 31.02 POLICE DEPARTMENT.

A Police Department is hereby established. The head of this Department shall be known as the Chief of Police, and the number of additional members and employees of the Police Department shall be determined by the Council, which may be changed from time to time. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform duties as are required of them by the Council or by law. The Chief of Police shall have overall supervision and management of the Police Department and custody of all property used and maintained for the purposes of the Department. The Chief of Police shall make and file reports as may be required by the Council.

(Prior Code, § 2.31)

§ 31.03 FIRE DEPARTMENT.

A Volunteer Fire Department under the control of the Council is hereby established. The size, composition and remuneration shall all be established by resolution of the Council, which may be changed from time to time by subsequent resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief and other officers, subject to confirmation and approval by the Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of the Department. He or she shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and ordinances of the city relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. He or she shall superintend the preservation of all property endangered by fire, and shall have control and direction of all persons engaged in preserving the property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief. The Chief of the Fire Department shall make and file reports as may be requested by the Council.

(Prior Code, § 2.32)

§ 31.04 LEGAL DEPARTMENT.

A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be head of the Legal Department, together with assistants as may be necessary, who shall serve at the pleasure of the Council. The City Attorney shall perform duties as are required of him or her by law or referred to him or her by the Council. It shall be the official duty of the City Attorney to act as “Revisor of Ordinances”.

(Prior Code, § 2.33)

§ 31.05 PUBLIC WORKS DEPARTMENT.

A Public Works Department is hereby established. The head of the Department shall be the General Supervisor. The city water, sewerage service and disposal, streets and electric distribution shall be under the direct supervision of the General Supervisor, and he or she shall be responsible for and have custody of all property of the Department. The General Supervisor shall make and file reports as may be requested by the Council.

(Prior Code, § 2.34)

§ 31.06 LIBRARY BOARD.

(A) *Establishment and composition.* A Library Board composed of five members, all of whom shall be residents of the city and shall serve staggered three-year terms, commencing as follows: three shall hold office for one year, two for two years, and two for three years, is hereby established. All appointments for a full term, or to fill a vacancy for an unexpired term, shall be made by the Mayor with the approval of the Council, and a member may be removed in the same manner for misconduct or neglect. Additionally, an at-large member may be appointed by the Mayor and Council to serve for a one-year term; the at-large member being experienced in library business and not necessarily a resident of the city. Members shall receive no compensation for their services, but may be reimbursed for actual and necessary travel expenses incurred in the discharge of Board duties and activities.

(B) *Duties.* The duties of the Board are as follows:

(1) To annually elect from its membership a President, Secretary and other officers as it deems necessary; adopt rules and regulations for the government of the library and conduct of its business; appoint a qualified Library Director and other staff as necessary, establish compensation of employees and remove them for cause;

(2) To pay into the City Treasury all money received for the library, and interest thereon, which shall be credited to the Library Fund and kept separate from the other money of the city, and paid out only upon approval of the Board;

(3) To have exclusive control of library grounds and rooms, and the construction of library buildings, and to lease rooms for library use if it finds such to be necessary or desirable; and

(4) To annually report to the Council receipts and their sources, disbursements and for what purposes, the number of library materials on hand, purchased and loaned, and other information it deems advisable; and, to file the information with the State Department of Education not later than April 1 of each year.

(C) *Title to property.* All property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by, the city for a library shall vest in, and be held in the name of, the city, and any conveyance, grant, donation, devise, bequest or gift made to, or in the name of, the library or Library Board shall be deemed to have been made directly to the city.

(Prior Code, § 2.40) (Ord. 66, passed 11-19-2004)

§ 31.07 POLICE CIVIL SERVICE COMMISSION.

(A) *Establishment and composition.* The establishment of a Police Civil Service Commission, composed of three members, is hereby ratified. Its members shall serve three-year staggered terms. Appointments to the Commission shall be made by the Council at its first meeting in January of each calendar year.

(B) *Statute adopted.* The adoption by reference of M.S. §§ 419.01 to 419.18, as they may be amended from time to time, is hereby ratified.

(C) *Duties and responsibilities.* The Commission shall continue to have authority to administer its activities with all of the powers and duties set forth in the statutory sections cited herein. (Prior Code, § 2.41) (Ord. 29, passed 8-2-1996)

§ 31.08 PLANNING COMMISSION.

(A) *Establishment and composition.* A Planning Commission is hereby established. The Planning Commission shall consist of five members appointed by the Council and may be removed by a four-fifths vote of the Council if initiated by recommendation of the Commission itself that any member should be removed for non-attendance of any three consecutive months. The Council may use its broad discretion in determining the member's removal, or non-removal, and may consider any relevant issue(s) as to the member's non-attendance before calling for a vote upon the issue.

(B) *Term.* Members shall be appointed for a term of five years and terms shall be overlapping to ensure continuity on the Commission. All appointees shall hold their office until their members are appointed and qualify. Vacancies during the term shall be filled by the Council for the unexpired portion of the term. Every appointed member should, before entering upon discharge of his or her duties, take an oath that he or she will faithfully discharge the duties of his or her office. All members shall serve without compensation.

(C) *Organization.* The Commission shall elect a Chairperson from among its appointed members for a term of one year, and a Secretary for a term of one year. The Commission may create and fill the other offices as it may determine.

(D) *Meetings.* The Commission shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record. On or before January 1 of each year, the Commission shall submit to the Council a report of its work during the preceding year. Expenditures of the Commission shall be within amounts appropriated for the purpose by the Council.

(E) *Duties and responsibilities.* In addition to the responsibilities assigned elsewhere by the city code and state law, the Planning Commission shall have the following duties and responsibilities.

(1) *Preparation of city plan.* It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive city plan for the physical 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 and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to a major subject of the plan, as outlined in the Commission's program of work.

(a) *Procedure for adoption of plan.* Before adopting the city plan or any section of it or any substantial amendment thereof, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The adoption of the city plan or of any section or amendment thereof shall be by resolution of the Commission, approved by the affirmative votes of not less than three-fifths of its total membership. The Commission may from time to time amend or add to the city plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions of further studies by the Commission indicate that the amendment or addition is necessary. An attested copy of the plan or of any section, amendment or addition to the city plan adopted by the Planning Commission shall be certified by the Council.

(b) *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 physical development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the city plan. These means shall consist of a zoning ordinance, 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 other matters as will accomplish the purpose of this section.

(2) *Zoning ordinance.* The Planning Commission upon its own motion may and upon instructions by the Council shall, prepare a revised zoning ordinance where this is deemed to be advisable for the city. Before recommending the ordinance to the Council, the Planning Commission shall hold at least one public hearing thereon after a notice similar to that required by this division (E)(2). The same procedure shall apply for the preparation of any plan of proposed rights-of-way for future streets or highways, or for the reservation of lands for other public purposes.

(3) *Variances and appeals.* Subject to appeals to the Council, the Planning Commission shall have the authority to act on the following matters:

(a) To hear and decide appeals. Where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the interpretation or enforcement of the zoning ordinance; and

(b) To hear requests for variances from the literal provisions of this section.
(Prior Code, § 2.42) (Ord. 54, passed 3-15-2002)

§ 31.09 CHARITABLE GAMBLING COMMISSION.

(A) The Commission will be composed of three members. Two of the members shall be appointed by the Council. One member shall be represented of a charitable gambling license holder approved by the Council.

(B) The Charitable Gambling Commission shall have the following duties:

(1) Prepare and recommend changes in procedure and practice governing charitable gambling in the city;

(2) To appoint one of its members as Chairperson and to hold meetings at the call of the chair;

(3) To give proper notification to all of the charitable gambling license holders in the city of any and all meetings of the Commission to hear complaints of license holders and hear any recommendations of license holders. The Commission makes recommendations to the Council; and

(4) To examine the records and/or reports of each licensed organization filed with the city to determine if licensed organizations net profits are expanded for the purposes established here.

(C) (1) The city does hereby require an organization who operates a charitable site in the city to contribute up to 10% per year of its net profits to a fund created by the city.

(2) The fund established may only be spent by the city for charitable contributions as defined in M.S. § 349.12 Subd. 7(a), as it may be amended from time to time, or for Police, Fire and other emergency or public safety-related services, equipment and training.

(3) The fund may not be used for the payment of pension obligations or general city functions.

(D) Further, the organizations must expend 75% of its lawful purpose expenditures arrived from lawful gambling conducted at premises within the city in the city's trade area. The city's trade area is defined as each city and township contiguous to the city that being the cities of Hibbing, Keewatin and Nashwauk.

(Ord. 84, passed 11-12-2014)

CHAPTER 32: BACKGROUND CHECKS

Section

- 32.01 Employment background checks
- 32.02 License background checks

§ 32.01 EMPLOYMENT BACKGROUND CHECKS.

(A) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described below.

(B) *Criminal history employment background investigations.* The City Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed: employment positions: all full- or part-time employees, regardless of position.

(1) In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the State Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Attorney or other city staff involved in the hiring process.

(2) Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence.

(3) If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial;

(b) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;

(c) The earliest date the applicant may reapply for employment; and

(d) All competent evidence of rehabilitation will be considered upon re-application.
(Ord. 78, passed 6-9-2009)

§ 32.02 LICENSE BACKGROUND CHECKS.

(A) *Purpose.* The purpose and intent of this section is to establish regulations that will allow law enforcement access to the state's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

(B) *Criminal history license background investigations.* The City Police Department is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city: city licenses; any license requested of the city.

(1) In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the State Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Attorney or other city staff involved in the license approval process.

(2) Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. § 364.09, as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor or misdemeanor with a jail sentence.

(3) If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial;

(b) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as it may be amended from time to time;

(c) The earliest date the applicant may reapply for the license; and

(d) All competent evidence of rehabilitation will be considered upon re-application.
(Ord. 78, passed 6-9-2009)

CHAPTER 33: ADMINISTRATIVE OFFENSES

Section

- 33.01 Notice
- 33.02 Payment
- 33.03 Referral to County District Court
- 33.04 Failure to pay
- 33.05 Disposition of penalties
- 33.06 Offenses and penalties
- 33.07 Subsequent offenses
- 33.08 Schedule of fines

§ 33.01 NOTICE.

Any officer of the Department of Public Safety (Police) or any other person employed by the city, and having authority to enforce the city code shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature, date and time of violation, the name of the official issuing the notice and the amount of the scheduled penalty.

(Prior Code, § 1.03-2.1)

§ 33.02 PAYMENT.

Once the notice is given, the alleged violator may, within seven days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request that the matter be referred to the County District Court in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

(Prior Code, § 1.03-2.2)

§ 33.03 REFERRAL TO COUNTY DISTRICT COURT.

Any person contesting an administrative offense pursuant to this chapter may, within seven days of the time of issuance of the notice, request that the matter be referred to the County District Court to be processed through the usual rules of criminal court.

(Prior Code, § 1.03-2.3)

§ 33.04 FAILURE TO PAY.

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes.

(Prior Code, § 1.03-2.4)

§ 33.05 DISPOSITION OF PENALTIES.

All penalties collected pursuant to this chapter shall be paid to the City Treasurer, and may be deposited in the city's General Fund.

(Prior Code, § 1.03-2.5)

§ 33.06 OFFENSES AND PENALTIES.

Offenses, which may be charged as administrative offenses and the penalties for the offenses, may be established by resolution of the Council from time to time. Copies of resolutions shall be maintained in the office of the City Treasurer.

(Prior Code, § 1.03-2.6)

§ 33.07 SUBSEQUENT OFFENSES.

In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty, except as otherwise stated in the fine schedule or by resolution.

(Prior Code, § 1.03-2.7) (Ord. 59, passed 7-18-2003)

§ 33.08 SCHEDULE OF FINES.

Listed below are administrative offenses and administrative penalties for the offenses:

<i>Offense</i>	<i>Administrative Penalty</i>
Alcohol	
Purchase, possession by underage person, lending identification	As set by Council from time to time
Person who sells to person under 21 years of age	As set by Council from time to time

<i>Offense</i>	<i>Administrative Penalty</i>
Licensee who sells to person under 21 years of age	
First offense	As set by Council from time to time
Second violation in 24 months	As set by Council from time to time
Third violation in 24 months	As set by Council from time to time
All other violations	As set by Council from time to time
Animals	
All other animal violations	As set by Council from time to time
Building Code	As set by Council from time to time
Failure to buy animal license	As set by Council from time to time
Vicious animal	As set by Council from time to time
Fill permits	As set by Council from time to time
Failure to apply for license	As set by Council from time to time
Fires	
Fire Code	As set by Council from time to time
No open fires	As set by Council from time to time
Fireworks	
Land use	As set by Council from time to time
Licenses not occurring elsewhere	As set by Council from time to time
Use, possession, sale prohibited	As set by Council from time to time
Miscellaneous	
Consuming alcohol in unauthorized places	As set by Council from time to time
Curfew	As set by Council from time to time
Golf cart and all terrain vehicle violation	As set by Council from time to time
Illegal dumping	As set by Council from time to time
Noise complaints	As set by Council from time to time
Noise complaints; second call in 12 months	As set by Council from time to time
Tampering with civil defense warning system	As set by Council from time to time

<i>Offense</i>	<i>Administrative Penalty</i>
Trespassing	As set by Council from time to time
Parking	
Abandoned vehicle	As set by Council from time to time
Blocking fire hydrant	As set by Council from time to time
Fire lane	As set by Council from time to time
Handicap zone	As set by Council from time to time
Snowbird	As set by Council from time to time
All other illegal parking	As set by Council from time to time
Parks	
Park ordinance violations	As set by Council from time to time
Peddling	As set by Council from time to time
Public nuisance	As set by Council from time to time
Regulated businesses	As set by Council from time to time
Snowmobiles	As set by Council from time to time
Weapons	
Discharge of display of pellet/BB/splat guns	As set by Council from time to time
Wetland/shore land	As set by Council from time to time
Worthless check	As set by Council from time to time

(Res. 2003-12, passed 10-29-2003)