

## CHAPTER III

## ADMINISTRATION OF CITY GOVERNMENT

SECTION 300 - DISPOSITION OF UNCLAIMED PROPERTY

300.01. Unclaimed property; purpose and statutory authority. This section has been enacted to provide for the custody and disposal of property other than motor vehicles coming into the possession of the city in the course of municipal operations and remaining unclaimed by the owner. This section has been adopted pursuant to the provisions of Minnesota Statutes, section 471.195.

300.03. Method of disposition. Property that has come into the possession of the city and has remained unclaimed by its owner for a period of six months or more may be disposed of by the city by sale to the highest bidder at public auction or sale. The public auction or sale is conducted under the direction of the administrator, following published notice in the official newspaper at least ten days in advance of the sale.

300.05. Property having insubstantial value. Property having no substantial value may be discarded or given away by the city, but a list of such items so disposed of must be retained in the files of the city for at least six years.

300.07. Items which may be destroyed. Items of personal property having nuisance potential, such as firearms, dangerous weapons, liquor and narcotics, may be destroyed upon order of the city administrator. A list of items so destroyed must be maintained for a period of at least six years.

300.09. Disposition of proceeds. The proceeds of the sale must be deposited in the general fund of the city, subject to the right of the former owner to payment of the sale price upon application and satisfactory proof of ownership within six months of the date of the sale.

SECTION 305 - CITY ADMINISTRATOR

305.01. Policy. It has been determined that, for efficiency and economy in government, a city administrator form of government is to be used in the city. In order to attain that efficiency and economy, and to make the best possible use of the administrator, the administration of the city is to be handled by, or through the office of the city administrator. This practice is intended to keep the city administrator in the best possible position to be informed as to all problems and opportunities confronting the city. City employees, including department heads, must conduct all city business through the city administrator and not directly with members of the council. The members of the council must conduct city business through the city administrator and not directly with department heads or any other employee. City business, including matters to be placed on the agenda for council meetings, must be first referred to the administrator. The council will confine its activities to determining matters of policy. The administrator must administer that policy.

305.03. Duties of the city administrator. The administrator is the city clerk-treasurer. Additional duties of the administrator include the following.

- a) Supervision of the activities of department heads and the administrative staff in the administration of city policy with authority to effectively recommend their employment and removal.
- b) Direction of the administration of city affairs as provided by council action, state and federal statutes.
- c) Preparation of reports and summaries relating to contemplated city projects or improvements and submission of them with recommendations as may be required by the council for study and subsequent action.
- d) Preparation of an annual budget and capital improvements plan for submission to the council and development of financial guidelines for the city within the scope of the approved budget and capital program.
- e) Preparation of the annual financial statement and performance of other duties as required by law.
- f) Attendance and participation in council meetings, and voluntary attendance, or by invitation, at other committee and commission meetings.
- g) Coordination of city programs and activities as authorized by the council.
- h) Submission of quarterly reports to the council as to the financial condition of the city accounts.
- i) Supervising the conduct of local elections in accordance with the prescribed laws and regulations.
- j) Working in cooperation with the city appointed attorney and engineer.
- k) Preparation of news releases, developing and discussing public relations materials with all concerned as required, and maintenance of good public relations with the general public.
- l) Consulting with appointed officials and with other public or private agencies as may be required.
- m) Keeping fully informed regarding federal, state and county programs that affect the city.
- n) Negotiating the terms and conditions of employee labor contracts for presentation to the council.

- o) Performing duties required by this code and resolutions adopted by the council.

305.05. Record-keeping responsibilities. The administrator must keep:

- a) A minute book, noting therein all proceedings of the council.
- b) An ordinance book, in which must be recorded at length all ordinances passed by the council.
- c) An account book, in which must be entered all money transactions of the city, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the treasury with their payee and object. Ordinances, resolutions and claims considered by the council need not be given in full in the minute book if they appear in other permanent records of the city and can be accurately identified from the description given in the minutes.

305.07. Requirements of knowledge, skills and abilities. The administrator must demonstrate the following qualities:

- a) Knowledge of city government operation, proper procedures, public relations, finances, purchasing and all administrative requirements for proper city operation.
- b) Knowledge of or ability to acquire knowledge of laws affecting the city.
- c) Ability to provide harmonious relations with city employees and general public.
- d) Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organization.

305.09. Appointment. The administrator is appointed by a majority vote of the entire council for an indefinite term and may be removed only by a majority vote of the entire council.

305.11. Administrator: procedures. The city administrator may contract for and purchase any item of capital equipment or personal service that is identified in the adopted budget for any fiscal year and for which funds have been appropriated. Contracts for such purchases must be signed by the mayor and the city administrator.

SECTION 310 - DEPARTMENTS GENERALLY

310.01. Subdivision 1. Control. The departments of the city are under the control and direction of the administrator. Department heads are responsible to the administrator and subject to the administrator's supervision and direction, except as otherwise provided in this code or law.

Subd. 2. Appointment. Department heads and employees are appointed by the council. Appointments are for an indefinite term.

Subd. 3. Compensation. Wages and salaries of employees are fixed and determined by the council.

Subd. 4. Table of organization and lines of responsibility. The council may by resolution adopt, amend, and from time to time revise, a table of organization and define lines of responsibility and authority for the efficient governmental organization of the city.

Subd. 5. Budgetary information. Department heads must, prior to July 1 in each year, file with the city administrator the projected financial needs of the department for the ensuing year. The projections must include information as to maintenance and operation of equipment, new equipment, personnel and such other information as may be requested by the administrator.

310.03. Fire department. A volunteer fire department under the control of the council is established and continued. The size and composition of the department and compensation of the members are established by resolution of the council. The council must establish written rules and regulations of the department, a copy of which must be distributed to each member of the department. The members of the department elect their own chief, assistant chief and other officers subject to confirmation and approval by the council. The chief of the fire department has general superintendence of the fire department and the custody of all property used and maintained for the purposes of the department. The chief must 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 this code relative to a fire department and to the prevention and extinguishment of fires are duly observed. The chief must superintend the preservation of property endangered by fire and has control and direction of all persons engaged in preserving such property. In case of the absence or disability of the chief for any cause, the assistant chief exercises all the powers, performs all the duties and is subject to all the responsibilities of the chief. The chief, on or before the date of the first regular council meeting in each quarter, must file with the administrator a report as to all fires occurring during the previous quarter stating the probable cause thereof and estimated damages; such report shall also state the other activities of the department. The chief must also make and file such other reports as may be requested by the council.

310.05. Legal department. A legal department is established and continued. The council appoints the city attorney, who is head of the legal department, together with such assistants as may be necessary who serve at the pleasure of the council. The city attorney performs the duties required by law or the council.

310.07. Public works department. A public works department is established and continued. The head of the department is the public works superintendent. The city streets, wastewater collection and treatment, parks, swimming pool, and the Gunderson House in conjunction with the Kenyon Area Historical Society, are under the superintendent's direct supervision. The superintendent, on or before the date of the regular meeting of the council in each month, must file with the administrator a report as to any recommendations for repairs or improvements deemed advisable.

310.09. Library department. A library department is established and continued. The head of the department is the librarian who supervises and controls the public library. The librarian must submit a periodic report to the administrator covering the work of the department for periods as required by the council.

310.11. Planning commission. Subdivision 1. Establishment of commission. A planning commission is established and continued. The commission is the city planning agency authorized by Minnesota Statutes, section 462.354.

Subd. 2. Composition, appointment and removal of members. The planning commission consists of from five to nine voting members. The members of the commission are appointed by the mayor and confirmed by a majority vote of the council. A member may be removed by a majority vote of the council. The initial membership of the commission is five members. The council may increase the size of the commission by resolution to seven or nine members. One of the members of the commission may be appointed from among the members of the council, but the mayor may not be appointed.

Subd. 3. Ex officio members. The city engineer, city attorney and city administrator are members ex officio, who may attend meetings at their own discretion or by invitation of the commission and may participate in the discussion of all matters coming before the commission. Ex officio members do not have voting rights.

Subd. 4. Terms of office. Members of the planning commission, except the ex officio members, have terms of two years expiring on January 31. Members hold office until their successors are appointed and qualify. If the council enlarges the membership of the commission, the council must appoint the additional membership in this manner: two for a one-year term and two for a two-year term. Members must be residents of the city. Members are limited to three consecutive terms in office.

Subd. 5. Organization and meetings.

- a) Officers. The commission must elect a chair from among its members for a term of one year and may create and fill such other offices as it may determine.
- b) Adoption of rules. The planning commission must adopt rules for the transaction of its business and keep a record of its resolutions, transactions and findings, which record is a public record.
- c) Meetings. The planning commission must hold at least one regular meeting each month.
- d) Annual report. On or before January 1 of each year, the commission must submit to the council a report of its work during the preceding calendar year.
- e) Compensation. Voting members of the planning commission serve without compensation.

310.13. Library board. An advisory library board is established and continued consisting of five members who serve staggered three-year terms. The members of the library board are appointed by the mayor and confirmed by a majority vote of the council. The board must elect a chair and secretary from among its members for a term of one year, and hold meetings at intervals that are approved by the council. The administrator is an ex officio member of the board. It is the duty of the library board to recommend and advise the council as to the operation and management of the library. (Amended, Ord. No. 13, Third Series)

310.15. Public utilities commission. A public utilities commission, as heretofore established and operating under Minnesota Statutes, sections 412.331 to 412.391, is established and continued. The commission has jurisdiction over the city water system and the light and power system.

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

310.19. Deferment of special assessments. Subdivision 1. General rule. 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, who is retired by virtue of permanent and total disability, or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in M.S. section 190.05, subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments. The administrator may record the deferment of special assessments where the following conditions are met: (Amended, Ord. No. 73, Third Series)

- a) The applicant must be 65 years of age, or older, retired by virtue of permanent and total disability or by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service. (Amended, Ord. No. 42, Third Series, Amended Ord. No. 73, Third Series)

- b) The applicant must be the owner of the property. (Amended, Ord. No. 42, Third Series)
- c) The applicant must occupy the property as a principal place of residence. (Amended, Ord. No. 42, Third Series)
- d) The applicant's income from all sources does 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. (Amended, Ord. No. 42, Third Series)

Subd. 2. Eligibility. The deferment will be granted for as long a period of time as the hardship exists and the conditions as aforementioned have been met. The applicant must notify the administrator of any change in applicant's status that would affect eligibility for deferment.

Subd. 3. End of deferment. The entire amount of deferred special assessments is due within 60 days after loss of eligibility by the applicant. If the special assessment is not paid within 60 days, the administrator must add thereto interest at the applicable rate for the bond issue for the project. If there is no bond issue for the project, interest will be fixed by resolution of the council. The total amount of principal and interest from the due date through December 31 of the following year must be certified to the county auditor for collection with taxes the following year. If the applicant demonstrates, 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.

Subd. 4. Termination. The option to defer the payment of special assessments terminates and all amounts accumulated plus applicable interest become due upon the occurrence of any one of the following:

- a) The death of the owner when there is no spouse who is eligible for deferment.
- b) The sale, transfer or subdivision of all or any part of the property.
- c) Loss of homestead status on the property.
- d) Determination by the council for any reason that there would be no hardship to require immediate or partial payment.

Subd. 5. Agricultural land. The council may defer the payment of any special assessments on agricultural land in accordance with the provisions set forth in Minnesota Statutes, section 273.111, commonly known as the green acres law.

310.21. Storm sewers. Subdivision 1. Storm sewer interceptor (trunk sewer). Method of assessment: per square foot basis (length x width of lots). Length of assessment: ten years. The storm sewer interceptor consists of a network of relatively large diameter, deep storm water connection pipes. The storm sewer interceptor mains are designed to serve as collectors for relatively large areas or districts. The city council will determine the percent of the total cost to be assessed to property owners for storm trunk sewers. The assessments will be made against all property owners in the city within the drainage area served by the storm trunk sewer on a square foot basis. In spreading the amounts to be assessed to the benefited properties, permeability factors will be applied to relate the amount of the assessment to the relative amount of storm water produced by the premises. A developer may request a parcel to be assessed on a per-lot basis. The assessment for those parcels contained in a drainage area, but outside of city limits will be as determined by the city council. The storm sewer interceptor assessment will be levied over a ten year period in equal annual principal installments.

Subd. 2. Storm sewer lateral. Method of assessment: per square foot basis (length x width of lots). Length of assessment: ten years. The storm sewer lateral consists of a network of pipes extending off from respective storm interceptor mains. A storm sewer lateral is designed to serve relatively small drainage areas. The total cost of storm sewer laterals is currently assessed against the building sites benefited by the lateral on a cost per square foot basis, as set by the city council. In spreading the amounts to be assessed to the benefited properties, permeability factors will be applied to relate the amount of the assessment of the relative amount of storm water produced by the premises. Storm sewer or lateral sewers serving private tracts or parcels will be considered private storm sewers, and the cost will be borne entirely by those tracts or parcels.

Subd. 3. Outside city limits. The assessments for those parcels contained in a drainage area, but outside of the city limits will be as determined by the city council. If smaller storm sewer laterals and catch basins are required with street construction, these additional costs will be included in the street construction assessment.

310.23. Distribution of financial assistance. If the city receives financial assistance from any source or organization to defray a portion of the cost of an improvement project financed by special assessments, the aid must be used to reduce the share of the project cost which would be met from general city funds. If such aid is more than the amount of the improvement cost borne by the city, the remainder will be transferred to the permanent improvement revolving fund.

310.25. Permanent improvement revolving fund. Subdivision 1. Established. A permanent improvement revolving fund is established and continued for the purpose of advancing monies necessary for making permanent improvements. The fund is a permanent fund of the city and supported by taxation. Into the fund will be paid all monies received from the payment of assessments levied for improvements and pledged to bonds, from charges for services made in lieu of an assessment, but in conjunction with an improvement, any payments made in order to hook up to an existing improvement, and all monies transferred into this fund for its support.

Subd. 2. Use of fund. The fund must be kept by the administrator as a separate fund and apart from all other funds and accounts of the city, and the monies therein may be used for no other purposes except as herein stated.

Subd. 3. Investments. Whenever there are monies in the fund not immediately needed, such monies may be invested.

Subd. 4. Transfers, excess. Whenever the fund accumulates monies in excess of any amounts reasonably anticipated to be needed, the council may, by resolution, declare any part of such excess to be surplus and transfer it to the general fund.

310.27. Personnel rules and regulations. The council may, by resolution, establish and amend personnel rules setting forth the rights, duties and responsibilities of employees.

#### SECTION 315 – SPECIAL ASSESSMENTS – CURRENT SERVICES

315.01. Authority. This section is adopted pursuant to Minnesota Statutes, section 429.101.

315.03. Application. This section applies to the following municipal services (the current services):

- a) snow, ice or rubbish removal from sidewalks;
- b) the repair of sidewalks and alleys;
- c) weed elimination from streets or private property;
- d) removal or elimination of public health or safety hazards from private property;
- e) installation or repair of water service lines, street sprinkling, or other dust treatment of streets;
- f) the trimming and care of trees and the removal of diseased trees from a street;
- g) the treatment and removal of insect infested or diseased trees on private property;  
and
- h) the operation of a street lighting system.

315.05. Personal liability. Except as otherwise provided by law, the owner of property on which or adjacent to which a current service has been performed under this section, is personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the city administrator, or other designated official, must prepare a bill and mail it to the owner and thereupon the amount will be due and payable in the office of the city administrator.

315.07. Assessment. On or before September 15 of each year, the administrator must list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under this section. The council may then levy the unpaid charges against the property as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes, for certification to the county auditor, and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council determines.

SECTION 320 – CHARGES FOR EMERGENCY SERVICES AND COLLECTION

320.01. Authority. This section is adopted pursuant to Minnesota Statutes, sections 415.01, 366.011 and 366.012.

320.03. Application. This section applies to the following emergency services:

- a) fire;
- b) rescue;
- c) medical; and
- d) related services.

320.05. Charges for emergency services; collection. The city may impose a reasonable service charge for emergency services, including fire, rescue, medical, and related services provided by the city or contracted for by the city. If the service charge remains unpaid 30 days after a notice of delinquency is sent to the recipient of the service or the recipient's representative or estate, the city or its contractor on behalf of the city may use any lawful means allowed to a private party for the collection of an unsecured delinquent debt. The city may also use the authority of section 320.07, pursuant to Minnesota Statutes, section 366.012, to collect unpaid service charges of this kind from delinquent recipients of services who are owners of taxable real property in the city, or areas served by the city for emergency services.

The powers conferred by this section are in addition and supplemental to the powers conferred by any other law for a city to impose a service charge or assessment for a service provided by the city or contracted for by the city.

320.07. Collection of unpaid service charges. The city is authorized to impose a service charge on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the city, and the city may certify to the county auditor, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property. A charge may be certified to the auditor only if, on or before September 15, the city has given written notice to the property owner of its intention to certify the charge to the auditor. The service charges shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to other law authorizing the collection of unpaid costs and service charges.

320.09. Charges for false fire alarms. Subdivision 1. Definitions. The following terms shall have the meaning described therefore. (Added, Ord. 52, Third Series)

Call. A response by the fire department to a dispatched call for emergency services. (Added, Ord. 52, Third Series)

False fire alarm. A fire call in response to an alarm activated by malfunction or intentional or unintentional human operation. (Added, Ord. 52, Third Series)

Subd. 2. Charges described. There are certain extraordinary calls for which the cost of said call shall be funded through a charge for service, rather than through the funding authority of the local units of government financing the fire department. The charges shall be defined, set, and administered as described below. (Added, Ord. 52, Third Series)

- a) False fire alarm charge. In recognition of the fact that a false fire alarm is not an uncommon occurrence for alarm systems, the intent of this policy is to defray the cost to respond to excessive calls for false fire alarms at the same site. A fee, which shall be referred to as a "false fire alarm charge," shall be imposed for a call for a false fire alarm when three or more false fire alarms have occurred at the same structure within the previous 12 months. This charge shall apply equally to all false fire alarms in commercial, industrial, public and single or multiple-family residential properties. (Added, Ord. 52, Third Series)
- b) Setting of fees. The charges for services shall be set and amended from time to time by resolution of the city council and included on the fee schedule of the city. (Added, Ord. 52, Third Series)
- c) Responsibility for cost. In recognition of the fact that the services provided by the fire department are not necessarily provided at the request of the party receiving the benefit of those services, the intent of this section is to charge the party most benefiting from the services rendered. The fire chief is charged with the responsibility of determining the party most responsible for the call, and including that information on the report for the call. (Added, Ord. 52, Third Series)

Subd. 3. Billing and Collection. The system for billing and collection for charges for calls, as described below, is intended to be as efficient, effective, equitable and successful as possible. (Added, Ord. 52, Third Series)

- a) Call report. The fire chief is charged with the duty of providing to the city administrator pertinent information regarding the attendance of any call to which charges that are required pursuant to this section should be imposed. In such report, the fire chief shall provide the date, time and place of the occurrence, the general services rendered, any special equipment or supplies that were needed for the call, and any other information that may be helpful in determining applicable charges. The call report shall also include the name and address of both the persons for whom services were provided and for all other parties involved, and any insurance information that may be available that provides coverage to any of the aforementioned parties. (Added, Ord. 52, Third Series)

- b) Billing. Upon receipt of such report from the fire chief, the city administrator shall cause a bill to be sent to the appropriate party and/or insurance carrier, and therefore shall take such reasonable steps as may be necessary for the collection of all such charges. The city council shall have the authority from time to time to abate charges upon circumstances which indicate that a lesser price should be billed, or that other facts and circumstances, including hardships, exist which indicate that an adjustment should be made. (Added, Ord. 52, Third Series)
- c) Delinquency. Pursuant to section 320.05, section 320.07 and Minnesota Statutes, sections 366.011 and 366.012, if a service charge remains unpaid 30 days after a notice of delinquency is sent to the recipient of the service, the city may collect the debt through any lawful means that a private party may use to collect an unsecured delinquent debt. Accordingly, a party shall be given 30 days from the date that an invoice for charges is sent to make payment with the city. Should the party fail to make payment within the time allowed, a notice of delinquency shall be sent to the party. Should the party fail to make payment within 30 days of sending a delinquency notice, the city shall employ whatever means available to it to collect the debt. The system for collection of any delinquent charges shall be based upon the principal place of residence or other property ownership of the party for whom the services of the fire department are rendered. (Added, Ord. 52, Third Series)
- (a) City residents. Pursuant to section 320.05, section 320.07 and Minnesota Statutes, sections 366.011 and 366.012, the city is authorized to certify unpaid service charges to the property taxes of delinquent recipients who own taxable real property. At the end of each year the city administrator shall be charged with processing delinquent charges for collection with the property taxes if the party is a resident of the city. (Added, Ord. 52, Third Series)
- (b) Service contract resident. In recognition of the fact that other local units of government under contract with the fire department have the authority to collect debts through certification to property taxes for their residents, the city administrator shall make reasonable effort to ensure that other local units are using such authority to collect delinquent charges on the fire department's behalf. (Added, Ord. 52, Third Series)
- (c) Extraterritorial individuals. Delinquent bills for residents outside of the immediate service territory of the fire department shall be referred to a private collection firm, once it has been determined that the city is not likely to collect the debt using its own devices. (Added, Ord. 52, Third Series)

Subd. 4. Application within mutual aid. This section shall not apply to services provided under a mutual aid agreement of the fire department to the extent that they are expressly prohibited in said agreement. (Added, Ord. 52, Third Series).

Subd. 5. Appeal. The charges imposed may be appealed to the city council by submitting the grounds for the appeal in writing to the city administrator, provided that the written request for appeal is received by the city administrator within 30 days after the initial invoice was sent by the city. The party may address the city council to discuss the appeal only upon consent of the council. The city council's findings shall be final. (Added, Ord. 52, Third Series).