

Chapter 2

Administration and General Government

Section 2.01 Authority and Purpose. Pursuant to authority granted by Statute, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

Section 2.02 Council Meetings – Time and Place. Regular meetings of the Council shall be held in the Council Chambers on the second Wednesday of each month at 7:00 o'clock P.M. 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 the next business day at the same time.

Section 2.03 Special Meetings. Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Clerk-Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk-Treasurer to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least four (4) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

Section 2.04 Council Procedure at Regular Meetings. The City Clerk-Treasurer shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a report from the City Clerk-Treasurer on administrative activities of the preceding month; (3) a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City during the preceding month, such list to be called the "Claim Report" and bearing headings "Claimant", "Purpose", and "Amount"; (4) a copy of all minutes to be considered' and (5) copies of such other proposals, communications, or other documents as the City Clerk-Treasurer deems necessary or proper for advance consideration by the Council. The City Clerk-Treasurer shall forthwith cause to be mailed or delivered to each member of the Council copies of all said documents. Roberts' Rules of Order (Newly Revised" shall govern all Council meetings as to procedural matters not set forth in the City Code. The order of business at regular meetings shall be as follows:

1. Call to Order.
2. Roll Call
3. Determination of Quorum.
4. Approval of Minutes. (Actual reading may be waived if each member of the Council was furnished with a copy thereof as hereinbefore set forth.)
5. Payment of Claims and Approval for Payment of Claims and Appropriations.
6. Licenses and Permits.
7. Correspondence.
8. Meeting Opened in the Order Stated in the Agenda to Person Requesting to Appear Before the Council. The presiding officer may advise any person appearing as to the amount of time allowed prior to his speaking, or later limit such time. Persons speaking shall give their name, address, and state their business.
9. Reports of Staff Members.
10. Reports from Boards and Commissions.
11. Reports of Councilmen.
12. Report from Mayor.
13. Meeting Opened to the Public. The presiding officer shall limit the time allowed. Persons speaking shall give their name, address, and state their business.
14. Old Business.
15. New Business.
16. Adjournment.

Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered except (1) with the unanimous consent of the members of the Council, or (2) scheduled public hearings or bid lettings at the time stated in the notice. All claims for payment must be filed at or before 12:00 o'clock noon on the Friday preceding the regular Council meeting at which it is to be considered.

Section 2.05. City Seal. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk-Treasurer and affixed by him. The official City Seal shall be a circular disc having engraved thereupon "City of Badger" and such other words, figures or emblems as the Council may, by resolution, designate.

Section 2.06. Right to Administrative Appeal. If any person shall be aggrieved by any administrative decision of the City Clerk-Treasurer or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the City Clerk-Treasurer at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he 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 time of the hearing, may, in the interest of justice or to comply with time requirements and on his own motion or the motion of the appellant, the City Clerk-Treasurer, or a member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

Section 2.07. 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. Such rules of procedure shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

Section. 2.08. Interim Emergency Succession.

Subd. 1. Purpose. Due to the existing possibility of a nuclear attack or a natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to insure 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 government officials by providing a method for temporary emergency appointments to their offices.

Subd. 2. Succession to Local Offices. In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, Council and City Clerk-Treasurer shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictates, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

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

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

C. They may, based on such 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. Such interim successors shall service until such time as the duly elected official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3. 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.

Section 2.09 City Clerk Treasurer.

Subd. 1. Pursuant to the authority granted by Minnesota Statutes 412.591, the offices of the Clerk and Treasurer shall be, and hereby are, combined in the office of the Clerk-Treasurer and thereafter the duties of the Treasurer and Clerk shall be performed by the Clerk-Treasurer.

Subd. 2. Audit. In conformance with the laws of the State of Minnesota, there shall be an annual audit of the City's financial affairs by the State Auditor or a public accountant in accordance with minimum procedures prescribed by the State Auditor.

Source: City Code
Effective Date: 1/1/1991

Section 2.10 Salaries of Mayor and Councilmen. Salaries of the Mayor and Council are hereby fixed as follows, which amounts are deemed reasonable:

Subd. 1. The annual salary of the Mayor shall be \$600.00.

Subd. 2. The annual salary of each Council member shall be \$300.00.

Subd. 3. In addition to said annual salary, the Mayor and each Council member shall receive \$15.00 for each special meeting that such Council member attends, and shall be reimbursed for documented travel expenses and expenses incurred for attendance at all out-of-City meetings at which such member's attendance is required by law or authorized by the Council.

Subd. 4. The salaries provided for herein shall be effective January 1, 1991.

Source: Ordinance No. 61
Effective Date: 1/1/1991

Section 2.11 Worker's Compensation.

Subd. 1. Licensees. No license to operate a business shall be issued by the City until the applicant presents acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes by providing the name of the insurance company, the policy number, and dates of coverage, or the permit to self-insure.

Subd. 2. 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 Minnesota Statutes.

Source: City Code

Effective Date: 1/1/1991

(Sections 2.12 through 2.19, inclusive, reserved for future expansion.)

Section 2.20 Departments Generally.

Subd. 1. Appointment. All Department Heads and employees shall be appointed by the Council. All appointments shall be for an undetermined term.

Subd. 2. Compensation. All wage and salary scales shall be fixed and determined by the Council.

Section 2.21. 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 said Department. He 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 shall superintend the preservation of all property endangered by fire and shall have 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 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 such reports as may be requested by the Council.

Section 2.22. Utilities Department. A Utilities Department is hereby established. The Head of this Department shall be the Superintendent of Utilities. The municipal water and sewer systems shall be under his direct supervision and control.

Source: City Code
Effective Date: 1/1/1991

(Sections 2.23 through 2.29, inclusive, reserved for future expansion.)

Section 2.30. Disposal of Abandoned Motor Vehicles, Unclaimed Property and Excess Property.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions.

1. The term “abandoned motor vehicles” means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has property without the consent of the person in control of such property, or in an inoperable condition such that it has not 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 Minnesota Statutes, Chapter 168, 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.

2. The term “vital component parts” means those 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.

B. Custody. The City may take into custody and impound any abandoned motor vehicle.

C. Immediate Sale. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this Subdivision.

D. Notice.

1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor, if such 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 Subparagraph E of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Subdivision.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. 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 grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen days after the date of the notice required by this Subdivision.

2. Nothing in this Subdivision 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 Subparagraph E “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.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following one notice published at least seven days prior to such auction or sale. 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 ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. From the proceeds of the sale of an abandoned motor vehicle, 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 Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.

H. Contracts and Disposal.

1. 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.

2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, 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.

3. 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.

Subd. 2. Disposal of Unclaimed Property.

A. 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 sixty days and has been declared such by a resolution of the Council.

B. Preliminary Notice. If the City Clerk-Treasurer knows the identity and whereabouts of the owner, he shall service written notice upon him at least thirty days prior to a declaration of abandonment by the Council. If the City acquired possession from a proper holder, the identity and whereabouts of who are known by the City Clerk-Treasurer notice shall also be served upon him. Such 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 thirty days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk-Treasurer 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 such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three weeks

prior to sale. Sale shall be made to the highest bidder a public auction or sale conducted in the manner directed by the Council in its resolution declaring property abandoned and stated in the notice.

D. Fund and Claims Thereon. All proceeds from such sale shall be paid into the General Fund of the City and expensed thereof paid therefrom. The former owner, if he makes claim within eight 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 therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall also be made from the General Fund.

Subd. 3. Disposal of Excess Property.

A. Declaration of Surplus and Authorizing Sale of Property. The City Clerk-Treasurer 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, said property shall be declared surplus, the value estimated and the City Clerk-Treasurer authorized to dispose of said property in the manner stated herein.

B. Surplus Property With a Total Estimated Value of Less than \$100.00. The City Clerk-Treasurer may sell surplus property with a total value of less than \$100.00 through negotiated sale.

C. Surplus Property With a Total Estimated Value Between \$100.00 and \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100.00 to \$500.00. Notice of such 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-Treasurer's option. Such sale shall be by auction.

D. Surplus Property With a Total Estimated Value over \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500.00. Notice of such 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. Such sale shall be to the person submitting the highest bid.

E. Receipts from Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

Subd. 4. Persons Who May Not Purchase – Exception.

A. 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.

B. It is unlawful for any person to be a purchaser of the property under this Section if such purchase is prohibited by the terms of this Section.

Source: City Code

Effective Date: 1/1/1991

(Sections 2.31 through 2.98, inclusive, reserved for future expansion.)

Section 2.99 Violation of a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code

Effective Date: 1/1/1991