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CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Pursuant to the 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. Regular meetings of the Council shall be held in the City Hall on the first Monday of each month at 7:00 o'clock P.M.

SECTION 2.03. NOTICE OF SPECIAL MEETINGS.

Subd. 1. Mailed Notice. Special meetings may be called by the Mayor or by any two members of the Council by writing filed with the Clerk-Administrator who shall then mail a notice to all members of the time, place and purpose of meeting at least one (1) day before the meeting. Attendance and participation by all council members eliminates the requirement of mailed notice.

Subd. 2. Posted Notice. In addition to mailing, the Clerk-Administrator shall also post a notice of special meeting in the City Hall where other notices are generally posted.

Subd. 3. Emergency. Notice of special meeting may be dispensed with in a situation which requires immediate emergency action. In determining what constitutes such an emergency, the Council shall be guided by considerations of whether the situation calls for immediate action involving the protection of the public peace, health or safety, and in all such cases, the members of the Council in attendance shall sign a waiver of notice which shall be made a part of the minutes of such meeting.

Source: Ordinance No. 1
Effective Date: 02/03/1894

SECTION 2.04. COUNCIL PROCEDURE AT REGULAR MEETINGS. The Clerk-Administrator shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a report from the Clerk-Administrator 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"; and, (4) a copy of all minutes to be considered. The Clerk-Administrator shall forthwith cause to be mailed to the Mayor, each member of the Council, and the City Attorney copies of all such documents. Roberts' Rules of Order (Revised) shall govern all Council meetings as to procedural matters not set forth in the City Code. All claims for payment and requests to appear before the Council must be made and filed with the Clerk-Administrator at or before 12:00

o'clock noon on the Friday preceding the regular Council meeting at which the appearance is to be made or the claim to be considered.

Source: Ordinance No. 1
Effective Date: 02/03/1894

SECTION 2.05. CLERK-ADMINISTRATOR. Pursuant to the authority of the Laws of the State of Minnesota, the offices of City Clerk and City Treasurer shall be, and hereby are, combined in the office of the Clerk, and thereafter the duties of the Treasurer and Clerk shall be performed by the Clerk-Administrator.

Subd. 1. The duties of the Clerk-Administrator of the Municipality shall include the duties of the Clerk required in Minnesota Statutes §412.151. The Clerk-Administrator shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the County Auditor all appointments and the results of all Municipal elections. He shall keep:

(1) A minute book, noting therein all proceedings of the Council;

(2) An ordinance book, in which he shall record at length all ordinances passed by the Council;

(3) An account book, in which he shall enter all money transactions of the Municipality, including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the Treasurer with their payee and object.

(4) 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 Clerk and can be accurately identified from the description given in the minutes. The Clerk shall act as the clerk and bookkeeper of the Municipality, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish such notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed upon him by the Council. For certified copies and for filing and entering, when required, papers not relating to Municipal business, he shall receive the fees allowed by law to town clerks; but the Council may require the Clerk to pay such fees to the Municipal Treasury. With the consent of the Council, he may appoint a deputy for whose acts he shall be responsible and whom he may remove at pleasure. In case of the Clerk-Administrator's absence from the Municipality or disability, the Council may appoint a deputy Clerk-Administrator if there is none, to serve during such absence or disability. The deputy may discharge any of the duties of the Clerk-Administrator except that he shall not be a member of the Council. (412.151).

Subd. 2. Other Duties.

(1) Direct the administration as provided by Council action, state and federal statutes. Coordinate with the Council in administering Municipal affairs.

(2) Prepare reports and summaries relating to contemplated municipal projects and/or improvements and submit them with recommendations as may be required to the Council for study and subsequent action.

(3) Prepare an annual fiscal budget and capital improvement plan for submission to the Council. Maintain financial guidelines for the Municipality within the scope of the approved budget and capital program.

(4) Prepare the annual financial statement and perform other duties as required in Minnesota Statutes 412.141 and 5.04 of the Code.

(5) Attend and participate in all Council meetings. Attend at his discretion or by invitation other committee and commission meetings.

(6) Coordinate municipal programs and activities as authorized by the Council.

(7) Submit quarterly reports to the Council of the financial condition of the Municipal accounts.

(8) Supervise the conduct of local elections in accordance with the prescribed laws and regulations.

(9) Supervise the activities of all Municipal department heads and the administrative staff in the administration of the Municipal policy with authority to effectively recommend their employment and removal.

(10) Work in cooperation with the Council's appointed attorney and engineer.

(11) Prepare news releases, develop and discuss public relations material with all concerned as required. Maintain good public relations with the general public.

(12) Consult with appointed officials and with other public or private agencies as may be required.

(13) Be fully informed regarding federal, state and county programs which affect the Municipality.

(14) Negotiate or delegate the negotiation of the terms and conditions of employee labor contracts for presentation to the Council.

(15) Perform all duties required of him by ordinances or resolutions adopted by the Council.

Subd. 3. Requirements of knowledge, skills and abilities.


(1) Considerable knowledge of Municipal government operation, proper procedures, public relations, finances, purchasing, and all administrative requirements for proper municipal operation.

(2) Knowledge of or ability to acquire full knowledge of all laws affecting the Municipality.

(3) Ability to plan development, to collect material and analyze for reporting, and to conduct and implement studies of procedures, operations and organization.

Subd. 4. Education and experience. Degree in public administration or its equivalent.

Subd. 5. Appointment. The Clerk-Administrator is appointed by a majority of the Council for an indefinite term, removal only by a majority of the Council.



SECTION 2.06. EXECUTION OF CONTRACTS AND CITY SEAL. All contracts to which the City is a party, in addition to being signed by the Mayor and Clerk-Administrator, shall be sealed with the City Seal. Said Seal shall be kept in the custody of the Clerk-Administrator and affixed by him. The official City Seal shall be a circular disc having engraved thereupon "CITY OF HALLOCK" and such other words, figures and emblems as the Council may, by resolution, designate.

SECTION 2.07. RIGHT TO ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the Clerk-Administrator, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefor upon the Mayor and Clerk-Administrator 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 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 Clerk-Administrator, 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 2.08. 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 effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SECTION 2.09. DISBURSEMENT OF FUNDS AND ALLOWANCE OF ACCOUNTS. All disbursements shall be made by order signed by the Mayor and the Clerk-Administrator, duly authorized by the Council, and every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. But no such order

shall be paid until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same together with all then outstanding encumbrances upon such fund. No claim against the City shall be allowed, except as otherwise provided in this Chapter, unless accompanied by an itemized account and voucher, payroll or time sheet signed by a responsible officer who has personal knowledge of the facts in the case and certifies to the correctness and reasonableness of the claim, and that it is a proper claim against the City; provided, however, that the Council may provide for a regular payment without specific individual authorization or filing of an itemized account and voucher, payroll or time sheet of the salaries and wages of regular employees or laborers, and any other fixed charges which have been previously duly and regularly authorized. Filing of a separate account verification may be dispensed with by the Council if appropriately similar wording is printed near the endorsement space on the order for payment form.

SECTION 2.10. FACSIMILE SIGNATURES. The Mayor and Clerk-Administrator are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of his signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his manually written signature. Such signatures may also be used on bonds of the City, provided, that one such signature is manually affixed as authentication thereof. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.

SECTION 2.11. 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 governmental 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 Clerk-Administrator 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 dictate, 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 serve 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 2.12. CIVIL DEFENSE DIRECTOR. The Council may appoint a Civil Defense Director. Such appointment may be made for the City exclusively, or in conjunction with other governmental unit. If made in conjunction with another unit of government, a portion of the salary of such officer may be authorized by the Council.

Source: Ordinance No. 101
Effective Date: 04/02/62

SECTION 2.13. SALARIES OF MAYOR AND COUNCILMEN. Effective January 1, 1987, the salary of the Mayor shall be \$110.00 per month and the salary of each Councilman shall be \$77.00 per month.

Source: Ordinance No. 112
Effective Date: 01/03/72

SECTION 2.14. WORKER'S COMPENSATION. 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 Minnesota Statutes relating to coverage for purposes of worker's compensation entitlement.

(Sections 2.15 through 2.19, inclusive, reserved for future expansion.)

SECTION 2.20. DEPARTMENTS GENERALLY.

Subd. 1. 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.

Subd. 2. 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.

Subd. 3. Compensation. All wage and salary scales shall be 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. The Heads of all Departments shall, prior to September 1 in each year, file with the Clerk-Administrator the projected financial needs of his Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be required by the Clerk-Administrator.

SECTION 2.21. 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 Mayor shall have, without the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when in his judgment an emergency exists for the preservation of life or property. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform such duties as are required of them by the Council or by law. The Chief of Police shall have general superintendence of the Police Department and custody of all property used and maintained for the purposes of said Department. It is the duty of the Chief of Police, on or before the second business day in each month, to file with the Council a report as to all arrests made by, and other activities of, his Department during the previous month. The Chief of Police shall also make and file such other reports as may be required by the Council.

SECTION 2.22. FIRE DEPARTMENT. A Fire Department is hereby established. The size and composition (including, but not limited to, a determination as to permanent and volunteer members) shall be established by resolution of the Council, which may be changed from time to time by a subsequent resolution. The Council shall also establish, and from time to time revise and amend, written rules and regulations of the Department including, but not limited to, its internal structural organization and compensation, a copy of which shall be distributed to each of its members whenever

established, revised or amended. The Chief of the Fire Department shall have general supervision 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 ordinance of the City relative to a Fire Department and to prevention and extinguishment of fires are duly observed. He shall supervise the preservation of all property endangered by fire and shall control and direct 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 powers, perform all the duties and be subject to all the responsibilities of the Chief. It is the duty of the Chief of the Fire Department on or before the second regular business day in each month, to file with the Clerk-Administrator a report as to all fires occurring during the previous month stating the probable cause thereof and estimated damages; such reports shall also state the other activities of the Department. The Chief of the Fire Department shall also make and file such other reports as may be requested by the Council.

SECTION 2.23. 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 such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him by law or referred to him by the Council.

SECTION 2.24. UTILITIES DEPARTMENT. A Utilities Department is hereby established. The Head of this Department shall be the Superintendent of Utilities. The municipal sewerage and water utilities shall be under his direct supervision and control.

SECTION 2.25. STREET DEPARTMENT. A Street Department is hereby established. The personnel of this Department shall be under the supervision of the Consulting Engineer of the City on such basis as the Council may, from time to time, determine.

SECTION 2.26. PARK AND RECREATION DEPARTMENT. A Park and Recreation Department is hereby established. The Head of the Park and Recreation Department shall be the City Clerk-Administrator. All park and recreation activities shall be the responsibility of this Department.

Subd. 1. To make recommendations to the Council for the acquisition and improvement of park and recreational areas and facilities.

Subd. 2. To establish written rules and regulations as necessary for the use, management, and operation of the park and recreational areas and facilities, which rules and regulations shall be approved by action of the Council before they are placed in effect.

Subd. 3. To hold such meetings as may be necessary, for the conduct of its business, and to furnish the Council with a true copy of all minutes of its proceedings.

(Sections 2.27 through 2.39, inclusive, reserved for future expansion.)

SECTION 2.40. BOARDS AND COMMISSIONS GENERALLY. All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed by the Council at the first regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his appointment, and terms of present Board and Commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office on February 1, January 31 being the date of expiration of terms. Provided, however, that all appointees to Boards and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed Board or Commission member shall be an employee of the City except those who are members by virtue of their office. Except as herein otherwise provided, all appointed Board and Commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the Council before they were incurred. The Chairman and Secretary shall be chosen from and by the Board or Commission membership annually to serve for one year, provided that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board or Commission member may be removed by the Council for misfeasance, malfeasance or non-feasance in office and his position filled as any other vacancy. Each Board and Commission shall hold its regular meetings at a time established and approved by the Council. Except as otherwise provided herein, one of the members shall be a member of the Council appointed for a term established by the Council at the time of the appointment, but not to extend beyond the end of the then current term being served by such Councilman or the Mayor. Except as otherwise provided by Statute or another Section of the City Code, the provisions of this Section shall apply to all Boards and Commissions.

SECTION 2.41. BOARD OF HEALTH.

Subd. 1. Establishment and Composition. A Board of Health is hereby established. The Board shall be composed of four members, two of whom shall be the Chief of Police and the Chief of the Fire Department. The third and fourth member, its Chairmen, shall be the City Health Officers appointed annually by the Council.

Subd. 2. Duties and Responsibilities. The duties and responsibilities of the Board shall be those assigned or delegated to it by the City Code or other law.

Source: Ordinance No. 31

Effective Date: 06/03/12

SECTION 2.42. LIBRARY BOARD

Subd. 1. Establishment and Composition. A Library Board is hereby established. The Board shall be composed of not more than 15 members, all of whom shall be selected as with other Boards and Commissions. One Councilman, appointed by the Mayor, shall be a member of the Board.

Subd. 2. Duties and Responsibilities. The Library Board shall have the following duties and responsibilities:

A. Promote public interest and understanding of the library operation, including specific library needs and the relationship of our library to the regional library system.

B. Submit to the Mayor, a list of capital improvements which, in the opinion of the Board, are necessary or desirable during the forthcoming five year period. Such list shall be arranged in order of preference.

C. Cooperate and communicate with the Northwest Regional Library employees for the furtherance of mutual library goals.

Source: Ordinance No. 168
Effective: February 12, 1991

(Sections 2.43 through 2.45 reserved for future expansion.)

SECTION 2.46. PLANNING COMMISSION.

Subd. 1. Establishment and Composition. A Planning Commission is hereby established. The Commission shall be composed of ten (10) members, all of whom shall be selected as with other Boards and Commissions. One Councilman, elected by the Council, shall be a member of the Commission. The City Engineer and the Clerk-Administrator, by reason of their positions, shall serve as ex officio members of the Commission, not included in the number herein stated. The Chairman of the Commission shall be selected from the appointed members. Commission members shall serve staggered three-year terms.

Source: Ordinance No. 126

Effective Date: 11/06/74

Subd. 2. Powers and Duties.

A. The Commission shall have power and shall be required to:

1. Prepare and keep up to date a master plan for the physical development of the City.

2. Review proposed subdivisions of land within the City.

3. Draft for the Council an official map of the City and recommend or disapprove proposed changes in such a map.

4. Prepare zoning regulations and recommend proposed changes in such regulations.

5. Prepare plans for the clearance and rebuilding of slum districts and blighted areas within the City.

6. Submit to the Mayor a list of recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming five-year period. Such list shall be arranged in order of preference, with recommendations as to which project shall be constructed in which year.

7. Promote public interest in and understanding of the master plan and of planning, zoning and slum clearance.

8. Meet not less than once each month and keep a public record of its resolutions, findings and determinations.

B. The Commission shall have power to:

1. Require information which shall be furnished within a reasonable time from the other Departments of the City government in relation to its work.

2. Within its budget appropriation, contract with City Planners and other consultants for such services as it may require.

3. In the performance of its functions, enter upon any land, make examinations and surveys and place and maintain necessary monuments and marks thereon.

4. Prepare plans for the replanning, improvement and redevelopment of neighborhoods.

5. Prepare a plan for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster.

C. The duties of the Planning Commission in zoning administration shall be:

1. To hold public hearings on applications for amendments to the Zoning Chapter of the City Code. The Commission shall not have the authority to make changes or amendments to this Chapter; it shall act in a purely advisory manner to the Council transmitting them to such Council for final action.

2. To hold public hearings on applications for special use permits provided for in the Zoning Chapter of the City Code and to transmit its recommended action to the Council for final action.

SECTION 2.47. AIRPORT COMMISSION.

Subd. 1. An Airport Commission is hereby created consisting of five (5) residents of Kittson County, to be appointed by resolution of the City Council of the City of Hallock, Minnesota.

Source: Ordinance No. 123
Effective Date: April 1, 1974

Subd. 2. Powers. The Commissioners appointed pursuant to this Section shall have power to administer zoning ordinances pursuant to Minnesota Statutes Annotated, Section 360.063, through Minnesota Statutes Annotated, Section 360.075, inclusive and laws supplementary and amendatory thereto. The Airport Commission herein created shall have such further powers as shall be granted to the Airport Commission from time to time by resolution of the City Council of the City of Hallock.

Source: Ordinance No. 118
Effective Date: February 5, 1973

SECTION 2.48. STAR CITY COMMISSION.

Subd. 1. Short Title. This Chapter shall be known and may be cited as the "Hallock Star City Commission Chapter."

Subd. 2. Definitions. For the purpose of this Chapter, the following words and their derivations shall have the meanings as set out herein:

A. "Commission" is the Star City Commission of the City as created by this Chapter.

B. "Chairman" is the Chairman of the Star City Commission as provided hereunder.

C. "Vice-Chairman" is the Vice Chairman of the Star City Commission as provided hereunder.

D. "Secretary" is the Secretary of the Star City Commission as provided hereunder.

E. "Planning Commission" is the City Planning Commission of the City of Hallock.

Subd. 3. Establishment. A Star City Commission is hereby established to be advisory to the Council and Planning Commission, which Star City Commission shall have the powers and duties hereinafter set forth.

Subd. 4. Terms of Office. Of the members of the Commission first appointed, three shall be appointed for terms expiring in January of 1987, three shall be appointed for terms expiring in January of 1988, and four shall be appointed for terms expiring in 1989. Upon expiration of said initial terms, future appointees shall serve three-year terms expiring in January of the appropriate year provided, however that members shall continue their terms until new appointments or reappointments are made by the City Council. The City Council shall make appointments to the Commission at its first official meeting in January of each year or as soon thereafter as it desires. Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

Subd. 5. Qualifications. The Commission shall consist of the following: one City Council member; and 9 members of the community representing, but not limited to the Chamber of Commerce, Hallock Development Corporation, Independent School District Board and the general public. The City Clerk-Administrator shall serve as an ex-officio member of the Commission.

Subd. 6. Removal of Members. The Council by a four-fifths vote of its members shall have the authority to remove any member of the Commission from office whenever, in its discretion, the best interest of the City shall be served thereby.

Subd. 7. Meetings, Officers. The Commission will name its own officers to serve at its pleasure from the membership of the Commission.

A. Regular Meetings. The Commission shall meet publicly in regular session at least once each month at a time and place selected by a majority of its members.

B. Special Meetings. The Chairman or any three (3) members of the Commission shall have the authority to call a special meeting of the Commission. Notice of special meetings shall be given to all members

at least twenty-four (24) hours prior to the time of the meeting unless the time and place for the special meeting is set at a regular meeting.

Subd. 8. Rules and Procedures. The Commission shall adopt a set of rules to govern its own meetings and procedures. The rules may be amended from time to time, but only upon notice to all members that the said proposed amendments shall be acted upon at a specified meeting. A majority vote of the Commission shall be required for the approval of the proposed amendment.

Subd. 9. Absence of Members. Absence from three consecutive regular meetings without the formal consent of the Commission shall be deemed to constitute a resignation of a member; and the vacancy thus created shall be filled thereafter by appointment of the City Council for the remainder of the term of the member so deemed to have resigned.

Subd. 10. Powers and Duties. The Commission shall have the following powers and duties:

A. To confer with and advise the Council and Planning Commission on all matters concerning the industrial and commercial development of the City.

B. To publicize, with the consent of the Council, the industrial and commercial advantages and opportunities of the City.

C. To collect data and information as to the type of industries and commerce best suited to the City.

D. To periodically survey the overall condition of the City from the standpoint of determining whether the City has a community climate for industry and to determine the general receptiveness of the City of particular types of industry.

E. To publicize information as to the general advantages of industrial and commercial development in a community.

F. To cooperate with all industries and businesses in the City and in the solution of any community problems which they may have, and to encourage the expansion, development and management of such industries and business so as to promote the general welfare of the City.

G. To cooperate with the Regional Development Commission in the undertaking of necessary surveys and studies in the furtherance of commercial and industrial development.

H. To aid the Council and Planning Commission in the proper zoning and orderly development of areas suitable for industrial and commercial development.

I. To develop, compile, coordinate and publicize information such as, but not limited to the following:

1. Existing industrial and commercial concerns with the City, their addresses, type of business, number of employees and whether such serves local, regional or national markets.

2. Available industrial and commercial sites including number of acres, approximate price, existing zoning and proximity to trackage and highways.

3. Available buildings for industrial and commercial operations, including type of building, number of square feet, existing zoning and proximity to trackage and highways. (Minn. State Dept. Form.)

4. Transportation facilities, including railroads, motor carriers, water transportation, air transportation and highway facilities.

5. Electric power available.

6. Fuels available for industrial and commercial use.

7. Sewage disposal facilities.

8. Water supply facilities.

9. Community facilities such as fire, police and educational.

10. Recreational facilities.

11. Going wage rate in the City for the trades, skilled, and semi-skilled and white collar workers.

12. Availability of labor.

13. General community attitude toward industrial and commercial expansion, development and attraction.

14. Experience and program of surrounding suburban communities in regards to industrial and commercial expansion, development and attraction.

J. To recommend to the Council and Planning Commission policies and particular actions in regards to industrial and commercial expansion development and attraction.

K. To cooperate with and use the facilities of the Minnesota Department of Energy and Economic Development's Star Cities Program.

L. To cooperate and coordinate with local lending institutions in defining available property and assembling financing packages for commercial and industrial prospects.

M. The Commission shall have the power to appoint subcommittees of a size and nature it may deem necessary and may enlist the

aid of persons and/or organizations who are not members of the Commission. The Commission shall have no power to make contracts, levy taxes, borrow money or condemn property, but shall have the full power and responsibility to investigate the necessity and recommend the taking of these and any other actions related to the industrial and commercial development by the Council and all other officers of the City responsible to formulate the terms of and the procedure for taking such action.

Subd. 11. Annual Report. The Commission shall make a report to the City Council of its activities in December of each year.

Subd. 12. Severability. The various sections and provisions of this Chapter are severable, in the event any one or more of its sections or provisions shall be found to be invalid or otherwise defective by a Court of competent jurisdiction, such invalidity or defect shall not operate to render other sections or provisions invalid.

(Sections 2.49 through 2.59, inclusive, reserved for future expansion.)

SECTION 2.60. DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions:

1. The term "abandoned motor vehicle" 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 remained for a period of more than forty-eight hours on private property without the consent of the person in control of such 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 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 vehicle, 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 F of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall 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 cer-

tainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of any 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 published 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 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.

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, 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.

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 (60) days and has been declared such by a resolution of the Council.

B. Preliminary Notice. If the Clerk-Administrator knows the identity and whereabouts of the owner, he shall serve written notice upon him at least thirty (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 Clerk-Administrator 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 (30) days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the Clerk-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 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 (3) weeks prior to sale. Sale shall be made to the highest bidder at 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 expenses thereof paid therefrom. The former owner, if he makes claim within eight (8) 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. Such payment shall be also made from the General Fund.

Subd. 3. Disposal of Excess Property.

A. Declaration of Surplus and Authorizing Sale of Property. The Clerk-Administrator 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 Clerk-Administrator 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 Clerk-Administrator 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 Clerk-Administrator 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 (10) 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 Clerk-Administrator's option. Such sale shall be by auction.

D. Surplus Property With a Total Estimated Value Over \$500.00. The Clerk-Administrator shall offer for public sale, to the highest bidder, surplus property worth 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 (10) days prior to the date of sale by publication once in the official newspaper. Such sale shall be to the person submitting the highest sealed 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 property under this Section if such purchase is prohibited by the terms of this Section.

SECTION 2.61. FRANCHISES.

Subd. 1. 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 such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

Subd. 2. 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 semi-permanent 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 such fixtures in such places.

Subd. 3. 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 such franchise has been heretofore granted by it or by the State of Minnesota.

Subd. 4. 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:

A. That 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 any City Charter and City Code, as the same may from time to time be amended.

B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such 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 of Minnesota or the federal government, in the manner following:

1. 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.

2. If possible maximum rates and charges shall be arrived at by direct negotiation with the Council.

3. If direct negotiations fail to produce agreement, the Council shall, not less than thirty (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.

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

D. That 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 such franchise, any return on account of the franchise or its value.

E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

F. That every grant in said 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 such 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.

G. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with Statute.

H. That 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.

Subd. 5. 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.

(Sections 2.62 through 2.69, inclusive, reserved for future expansion.)

SECTION 2.70. FUNDS. The Council shall establish such funds as it deems necessary for the accurate and efficient accounting of City funds.

(Sections 2.71 through 2.98, inclusive, reserved for future expansion.)

SECTION 2.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.