

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 clerk-treasurer, following published notice in the official newspaper at least ten days in advance of the sale.

300.05. Property Having No Substantial 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 clerk-treasurer. A list of items so destroyed must be maintained in the files of the city for 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 CLERK-TREASURER

305.01. Policy. It has been determined that, for efficiency and economy in government, a city clerk-treasurer 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 clerk-treasurer, the administration of the city is to be handled by, or through the office of the city clerk-treasurer. This practice is intended to keep the city clerk-treasurer 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 clerk-treasurer and not directly with members of the council. The members of the council must conduct city business through the city clerk-treasurer 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 clerk-treasurer. The council will confine its activities to determining matters of policy. The clerk-treasurer must administer that policy.

305.03. Duties of the City Clerk-Treasurer. The city clerk-treasurer is the chief administrator of the City. Additional duties of the clerk-treasurer 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) Supervision of the conduct of local elections in accordance with the prescribed laws and regulations.

- j) Work 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) Consult with appointed officials and with other public or private agencies as may be required.
- m) Keep fully informed regarding federal, state and county programs that affect the city.
- n) Negotiate the terms and conditions of employee labor contracts for presentation to the council.
- o) Perform duties required by this code and resolutions adopted by the council.
- p) Maintain permanent and current records of this code, including but not limited to: all maps, amendments, and conditional use permits, variances, appeals, and applications.
- q) Receive, file, and forward all applications for appeals, variances, conditional use permits or other matters to the designated official bodies.
- r) Institute in the name of the city and under the direction of the city council proceedings against a violator as provided for in this code.

305.05. Record-Keeping Responsibilities. The clerk-treasurer 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 clerk-treasurer 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 the general public.
- d) Ability to plan development, to collect materials and analyze for reporting, and to conduct and implement studies of procedures, operations and organization.

305.09. Appointment. The clerk-treasurer 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. Clerk-Treasurer: Procedures. The clerk-treasurer 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 clerk-treasurer. All such purchases shall be made consistent with Minnesota Statutes.

SECTION 310 - DEPARTMENTS GENERALLY

310.01. City Departments. Subdivision 1. Control. The departments of the city are under the control and direction of the clerk-treasurer. Department heads are responsible to the clerk-treasurer and subject to the clerk-treasurer'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 clerk-treasurer 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 clerk-treasurer.

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 month, must file with the clerk-treasurer a report as to all fires occurring during the previous month stating the probable cause thereof, and a description of 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. Written reports must be filed with the city clerk-treasurer by 12:00 p.m. on the Thursday before the council meeting. The chief will present reports to the council at the regular monthly council meeting. The chief will receive regular attendance pay for council meetings.

310.04. First Responders. First Responders will receive regular attendance pay for council meetings.

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 maintenance superintendent. Subject to the discretion of the council, the city streets and parks 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 clerk-treasurer a report as to any recommendations for repairs or improvements deemed advisable.

310.09. Planning Commission. Subdivision 1. Establishment of a Planning Commission. A planning commission is established and continued. The planning 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 five 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. Members must have been residents of the City for one year and must remain a resident of the City.

Subd. 3. Ex Officio Members. The city attorney and city clerk-treasurer 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 are limited to three consecutive terms in office.

Subd. 5. Organization and Meetings.

a) Officers. The planning commission must elect a chair from among its members.

b) Adoption of Rules. The 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 commission must hold at least one regular meeting each month.
- d) Monthly report. At each regular council meeting, a representative of the commission must submit to the council a report of its work during the preceding month.
- e) Compensation. Voting members of the planning commission serve without compensation.

310.11. 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 - ASSESSMENTS

315.01. Municipal Services Assessments. Subdivision 1. Authority. This section is adopted pursuant to Minnesota Statutes Section 429.101.

Subd. 2. 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;
- h) the operation of a street lighting system;
- i) the operation and maintenance of a fire protection system;
- j) the operation and maintenance of a pedestrian skyway system;
- k) reinspections which find noncompliance after the due date for compliance with an order to correct a municipal housing maintenance code violation;
- l) the recovery of any disbursements under Minnesota Statutes Section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in Minnesota Statutes Section 504B.445, subdivision 4, clause (2); and
- m) the painting of the exterior of a structure in order to remedy a municipal code violation.

Subd. 3. 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 clerk-treasurer, 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 clerk-treasurer.

Subd. 4. Assessment. On or before September 15 of each year, the clerk-treasurer 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 10, as the council determines.

315.03. Charges for emergency services; collection; collection of unpaid service charges and fees. Subdivision 1. Authority. This section is adopted pursuant to Minnesota Statutes Sections 415.01, 366.011 and 366.012.

Subd. 2. 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 subdivision 3 of this section 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.

Subd. 3. Collection of unpaid service charges and fees. If the city is authorized to impose a service charge or fee on the owner, lessee, or occupant of property, or any of them, for a governmental service provided by the city, the city may certify to the county auditor, on or before October 15 for each year, any unpaid service charges or fees which shall then be collected together with property taxes levied against the property. A charge or fee 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 or fee to the auditor. The service charges or fees shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes. This section is in addition to any other law authorizing the collection of unpaid costs and service charges or fees.

315.05. Special assessment policy. Subdivision 1. General policy. The special assessment policy of the City of Nerstrand shall be comprised of the statutes contained within Minnesota Statutes Chapter 429, which is hereby adopted by reference and incorporated in this code as if fully set forth herein, along with any applicable provisions of this code, or policy provisions adopted by ordinance or resolution. The council may, from time to time, by ordinance or resolution, adopt, amend or repeal any portion of the special assessment policy.

Subd. 2. Partial prepayment of assessments. Partial prepayment of an assessment is authorized only until such time that the assessment is certified to the county auditor for collection. Upon certification of the assessment to the county auditor for collection, only regular

annual installment payments pursuant to the terms and conditions established in the resolution adopting the assessment, or a full payment for the outstanding amount due for the assessment will be accepted by the city.

Subd. 3. Deferment of special assessments – age, disability or military service.

- a) The council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, or owned 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 Minnesota Statutes 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 clerk-treasurer may record the deferment of special assessments where all of the following conditions are met:
 - 1) The applicant must be the owner of the property;
 - 2) The applicant must occupy the property as a principal place of residence;
 - 3) 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;
 - 4) As to a deferment based upon age or disability, the applicant must apply for the deferment not later than 90 days after the assessment is adopted by the council; and
 - 5) As to a deferment based upon age or disability, the applicant must be 65 years of age, or older, or retired by virtue of permanent disability.
- b) 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 clerk-treasurer of any change in applicant's status that would affect eligibility for deferment.
- c) 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 clerk-treasurer 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.

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

- 1) the death of the owner when there is no spouse who is eligible for deferment;
- 2) the sale, transfer or subdivision of all or any part of the property;
- 3) loss of homestead status on the property; or
- 4) determination by the council for any reason that there would be no hardship to require immediate or partial payment.

Subd. 5. Deferment of special assessments – 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.”

Subd. 6. Deferment of special assessments – unimproved property.

(a) General rule. Pursuant to Minnesota Statutes Section 429.061, subdivision 2, the council may, by resolution, defer the payment of any special assessments where the following conditions are met:

- 1) the special assessments are greater than \$_____; and
- 2) the land to be specially assessed is unimproved property, five acres or larger in size.

(b) Termination. The council shall indicate in the resolution that the deferral of the payment of special assessments terminates and all amounts accumulated become due pursuant to the terms of the resolution, upon the occurrence of any of the following:

- 1) until a specified future year;
- 2) until the property is platted; or
- 3) until improvements are constructed on the property.

The council shall also indicate in the resolution whether interest will

accrue and be added to the principal, will be paid annually or, will be forgiven while the assessment is deferred, and, the number of installments in which the assessments are to be paid when the deferral terminates. However, in no event shall the last installment be paid more than 30 years after the assessment was levied.

Subd. 7. Storm Sewer Assessments.

- a) Storm Sewer Interceptor (Trunk Sewer). [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 10 year period in equal annual principal installments.
- b) Storm Sewer Lateral. 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. The storm sewer lateral assessment will be levied over a 10 year period in equal principal installments.
- c) 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.

315.07. 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.

315.09. 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 clerk-treasurer 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.