

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 to provide for the government and good order of the City, and the enforcement thereof, by and through the Council.

SEC. 2.02. COUNCIL MEETINGS. Council Meetings, including Regular Meetings, Special Meetings, Emergency Meetings and Adjourned Meetings, shall be held in the Council Chambers in the City Hall unless otherwise designated by action of the Council.

SEC. 2.03. REGULAR MEETINGS. Regular Meetings of the Council shall be held on the first and third Tuesdays of each month at a time established by resolution of the Council. In the event that any Regular Meeting falls on a legal holiday or during the time of an Election, then the meeting shall be held on an alternate date to be set by the Council. For purposes of this Chapter, the term "Election" shall include the hours between 6 p.m. and 8 p.m. on an election day within the boundaries of the City, after 6 p.m. on the day of a political party precinct caucus, or during any other time designated by Statute.

SEC. 2.04. 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 Administrator or City Clerk stating the names and positions of the individual or individuals calling the meeting, the purpose of the meeting, the time and place of the meeting, and a request that the City Clerk give the Council members proper notice. Notice of a special meeting shall be given by the City Administrator or City Clerk 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 three (3) days prior to the time stated therein, or by personal service at least one (1) day prior to the 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 Administrator or City Clerk prior to the beginning of the meeting. Any Special Meeting attended by all Council members, or attended by three Council members if all members not in attendance received proper written notice of the meeting, shall be a valid meeting for the transaction of any business that may come before the meeting. Notice for Special Meetings must be given to the public. The City Clerk shall post written notice of the date, time, place and purpose of the Special Meeting on the City's principal bulletin board. In addition, the City Clerk shall mail or deliver notice to each person who has filed with the City a written request for notice of Special Meetings. As an alternative to mailing said notice, the City Clerk may publish the notice once in a newspaper of general circulation. All posted, mailed, delivered or published notice shall be at least three (3) days before Special Meeting. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.05. EMERGENCY MEETINGS. An Emergency Meeting can be called by the council in circumstances that, in the judgment of the Council, require immediate Council consideration. Notice to Council members shall be given pursuant to the notice procedures of a Special Meeting, as set forth in Section 2.04 above, except that notice may be by telephone communication or any other expeditious means. With respect to notice to the public, the City Clerk shall make a good faith effort to provide notice of the Emergency Meeting, including its purpose, to each news medium which has filed a written request for notice. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.06. ADJOURNED MEETINGS. An Adjourned Meeting is a meeting that has been continued or recessed until a future time. A meeting of the Council can be recessed and an Adjourned Meeting rescheduled by fewer than the three Council members. If the Council announces the date, time and place of the Adjourned Meeting at an open meeting and as a part of the official proceedings or Council minutes, no additional public notice shall be required for such Adjourned Meeting. If the Adjourned Meeting is not so announced, public notice shall be given for such Adjourned Meeting in the manner prescribed for Special Meetings, as set forth in Section 2.04 above.

SEC. 2.07. COUNCIL PROCEDURE AT REGULAR MEETINGS. The City Administrator or City Clerk shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City during the preceding month, such list to be called the "Claim Report" and bearing headings "Claimant", "Purpose", and "Amount"; (3) a copy of all minutes to be considered; and, (4) copies of such other proposals, communications, or other documents as the City Administrator or City Clerk deems necessary or proper for advance consideration by the Council. The City Administrator or City Clerk 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. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.08. 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 Administrator or City Clerk and affixed by him or her. The official City Seal shall be a circular disc having engraved thereupon "CITY OF BECKER" and such other words, figures or emblems as the Council may, by resolution, designate. *Source: Ordinance 48 2nd Series, September 9th, 2000 Source: Ordinance 61 2nd Series August 25, 2001*

Sec. 2.09. RIGHT TO ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the City Administrator, any other elected or appointed City official or employee, or any Board or Commission not having within its structure an appellate procedure, or where otherwise provided in the Code, such aggrieved person shall be entitled to a hearing before the Council upon serving a written request therefore upon the Mayor and City Administrator or City Clerk at least five (5) business 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 s/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 the Mayor's motion or the motion of the appellant, the City Administrator or City Clerk, 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. The Council shall issue a final determination upon the matter on or before thirtieth day following the date on which the final hearing on the matter is completed. *Source: Ordinance No. 9, 2nd Series, Effective Date: 2-6-96 ; Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.10. 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 upon adoption by the Council and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SEC. 2.11. FACSIMILE SIGNATURES. The Mayor and City Administrator or City Treasurer 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 authority is granted only for the purpose of permitting such officers an economy of time and effort. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.12. CITY ADMINISTRATOR.

Subd. 1. Position Established. The position of City Administrator is hereby established.

Subd. 2. Appointment and Removal. The City Administrator shall be appointed by the Council for an indefinite term. The City Administrator shall not be removed except by affirmative action taken twice by the Council at two Regular Meetings held within sixty days. The action taken at the first such meeting shall be an expression of intent to vote thereon at the second such regular meeting not to be held sooner than ten days thereafter. If, at any time after the City Administrator has completed six months of continuous service, the Council takes such action, the City Administrator may within thirty days after written notice of removal, request a public hearing which the Council must grant and which must be started within thirty days after the request. The Council shall make a determination to either affirm or rescind the decision to remove the City Administrator on or before the thirtieth day following the completion of the public hearing requested by the City Administrator.

Subd. 3. Qualifications. The City Administrator shall be selected solely on the basis of executive and administrative qualifications with special reference both to experience, formal education, as well as knowledge of accepted practices pertaining to the duties of the office.

Subd. 4. Duties. The City Administrator shall be the chief administrative officer of the City and shall be responsible to the Council for the proper administration of all affairs of the City and to that end shall have the power and shall be required to:

Supervise the administration of all departments, offices and divisions of the City except as otherwise provided by law and carry out any other responsibilities placed under his/her jurisdiction by this chapter or by subsequent Council action. S/He or his/her delegate shall interview and screen all prospective city employees as permitted by law and shall make recommendations for hiring and terminating employees. Periodic reports shall be submitted to the Council.

- A. Develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices under his/her jurisdiction as permitted by law. *Source: Ordinance 123 2nd Series; Effective Date: December 1st, 2007.*
- B. Prepare and submit an annual budget to the Council and keep the Council advised of the financial condition of the City and make such recommendations as s/he may from time to time determine desirable and necessary.
- C. Attend and participate in discussions at all meetings of the Council and other official bodies as directed by the Council. The City Administrator shall also represent the City at all official or semi-official functions as may be directed by the Council and not in conflict with the prerogatives of the Mayor. He shall be entitled to notice of all Regular and Special Meetings of the Council.
- D. See that all laws and provisions of the City Code are duly enforced.
- E. Make or let purchases and contracts when the amount thereof does not exceed \$5,000.00. Make or let purchases and contracts for previously budgeted items after obtaining two or more quotations when the amount does not exceed \$25,000. Non-budgeted items greater than \$5,000 need Council approval. Obtain Council approval to seek bids/quotes for purchases greater than \$25,000. City Council approves all quotes/bids for contracts greater than \$25,000. Obtain Council approval to seek bids, approve specifications, and award contracts or purchases for all budgeted items above \$100,000. Amounts in excess of \$100,000 require council action to award contracts or purchases for expenditures requiring competitive bids regardless of being a budgeted item or not. *Source: Ordinance 123, 2nd Series; Effective Date: December 1st, 2007. Source: Ordinance 160, 2nd Series, Effective Date: May 7, 2012.*

- F. Recommend from time to time the adoption of such measures as s/he may deem necessary or expedient for the health, safety and welfare of the community or for the improvement of the administration.
- G. Perform such other duties as may be required by the Council and consistent with Minnesota Statutes and the City Code.

Subd. 5. Bond Required. The City Administrator shall furnish a surety bond to be approved by the Council, said bond to be conditioned on the faithful performance of his or her duties. The premium of the bond shall be paid by the City. *Ordinance 61, 2nd Series, -8-27-01*

Subd. 6. Compensation. The City Administrator shall receive such compensation as the Council shall fix from time to time by resolution or motion. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.13. RE-ESTABLISHMENT OF SEPARATE OFFICES OF CLERK AND TREASURER.

Subd. 1. The offices of the Clerk and Treasurer which, pursuant to the provisions of Minnesota Statutes, Section 412.591, were heretofore combined by ordinance, are hereby reestablished as separate offices. Pursuant to the provisions of Minnesota Statutes, Section 412.581, applicable to the City operating under Optional Plan A as defined in state law, the Clerk and Treasurer shall be appointed by the Council for indefinite terms.

Subd. 2. Treasurer General Duties. The general duties of the Treasurer shall include but not be limited to:

- A. S/He shall receive and safely keep all monies belonging to the City and shall promptly enter into a book provided for the purpose of an account of all monies received and disbursed by him/her as Treasurer, showing the source and objects thereof with the date of each transaction.
- B. S/He shall pay out money only upon Council approval after approval by authorized officers of City. Such invoices or other documents when paid shall be retained by him/her as vouchers and shall be given to the Council as needed.
- C. S/He shall deliver to his/her successor all books, papers and monies belonging to the City.
- D. S/He shall immediately after the close of the calendar year and completion of the annual audit present to the City Council and make available for public inspection the audit for the year.

Subd. 3. Clerk General Duties. The general duties of the Clerk shall include but not be limited to:

- A. Elections.** The Clerk shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office and certify to the County Auditor all appointments and the results of municipal elections.
- B. Records.** The Clerk shall take minutes and keep a minute book, noting all proceedings of the Council. Resolutions adopted by Council shall be kept in a book and maintained for reference. The City Clerk shall maintain all records of the City.
- C. Ordinances.** The Clerk shall be responsible for maintaining all ordinances passed by the City and maintenance of the Code of Ordinances book.
- D. Others.** The Clerk shall sign all official papers of the City; The Clerk shall also post and publish notices, ordinances as may be required; shall periodically review fees; make certified copies or other official documentation as required; perform other duties as are required by law.

Source: Ordinance 48, 2nd series, Effective Date: 9-9-00

SEC. 2.14. 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 City 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. *Source: City Code, Effective Date: 5-8-95*

SEC. 2.15. SALARIES OF MAYOR AND COUNCIL MEMBERS. Salaries of the Mayor and Council are hereby established as follows, which amounts are deemed reasonable:

Subd. 1. The annual salary of the Mayor shall be \$4,200.00, to be paid in monthly increments of \$350.00.

Subd. 2. The annual salary of each Council member shall be \$3,600.00, to be paid in monthly increments of \$300.00.

Subd. 3. In addition to said annual salaries, the Mayor and each Council member shall be compensated the following:

- A. A meeting stipend in the amount of \$150.00 per month as compensation for all committee and City designated meetings.
- B. Mileage for City Council approved out of town meetings or training events shall be reimbursed at the rate established by Resolution of the City Council for mileage reimbursement. Out of town meetings or training are events that occur outside the corporate boundaries of the City. Mileage shall be calculated using Becker City Hall as the beginning and termination point for all travel.

Subd. 4. The provisions provided for herein shall be effective April 1, 2013 and shall continue in effect until modified.

Source: Ordinance 168, 2nd Series, Effective Date: April 29, 2013, Ordinance 178 2nd Series, Effective Date: May 26th, 2015

SEC. 2.16. COMPENSATION OF BOARDS, COMMISSIONS AND COMMITTEES. Members of Boards, Commissions and Committees appointed by the Council shall be set from time to time by resolution of the Council.

SEC. 2.17. SERVICES AND COMPENSATION OF CIVIL DEFENSE DIRECTOR.

Subd. 1. Services. The Council may enter into a cooperative agreement for the services of a Civil Defense Director.

Subd. 2. Compensation. The compensation of a Civil Defense Director for any cooperative services rendered to the City may be fixed and determined by resolution or motion of the Council.

SEC. 2.18. WORKERS' COMPENSATION.

Subd. 1. 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 workers' compensation insurance coverage requirement of Minnesota Statutes.

Subd. 2. City Officers. All officers of the City elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term shall be included in the definition of "employee" as defined in Minnesota Statutes relating to coverage for purposes of workers' compensation entitlement. *Source: City Code Effective Date: 5-8-95*

SEC. 2.19. REVENUE AND FINANCE

Subd.1. Escrows. The escrow deposit is applied to consulting, legal, engineering, professional staff and contracted services. Costs incurred above the escrow amount will be billed monthly. Remaining balances will be refunded to the party that posted the escrow.

Subd.2. Fees Relating to Licensing, Administrative Citations, Miscellaneous, Property, Utility, Services, Becker Community Center, Park Rental and Pebble Creek Golf Club. The following fees and charges are hereby established for the year 2020. Fee schedule rates supersede amounts show in city ordinances or policies which are dated prior to the fee schedule.

A. LICENSING RELATED FEES

| <u>Type of Fee</u> | <u>Amount of Fee</u> |
|---|----------------------|
| 3.2 Percent Malt Liquor On-Sale | \$100.00 |
| 3.2 Percent Malt Liquor Off-Sale | \$50.00 |
| Temporary 3.2 Percent Intoxicating | \$25.00 |
| Off-Sale Intoxicating | \$200.00 |
| Off-Sale Intoxicating (With proof of compliance with §340a.408 Subd. 3.c) | \$100.00 |
| On-Sale Intoxicating | \$1850.00 |
| Club On-Sale Intoxicating | |
| Under 200 Members | \$100.00 |
| 201 – 500 Members | \$200.00 |
| 501-1000 Members | \$400.00 |
| 1001 – 2000 Members | \$800.00 |
| 2001 – 4000 Members | \$1000.00 |
| 4001 – 6000 Members | \$2000.00 |
| Over 6000 Members | \$3000.00 |
| Community Festival | \$25.00 |
| Sports, Convention & Cultural Facility | \$25.00 |
| Sunday On-Sale Intoxicating | \$150.00 |
| Temporary On-Sale Intoxicating | \$25.00 |
| On-Sale Wine | \$175.00 |
| On-Sale Wine / Strong Beer | \$275.00 |
| One Day Consumption & Display Permit | \$25.00 |
| Consumption and Display Permit (Set-Up) (In addition to State Fee) | \$100.00 |
| Culinary Class Limited On-Sale Intoxicating | \$100.00 |
| Temporary Off-Sale Wine | \$25.00 |
| Brew Pub On-Sale Intoxicating (State Issued Brewers License Required) | \$500.00 |
| Brewer Pub Off-Sale Malt (Growler) (State Issued Brewers License Required) | \$100.00 |

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| Small Brewer Off-Sale Malt (Growler) (State Issued Brewers License Required) | \$100.00 |
| Brewer Temporary On-Sale Intoxicating (State Issued Brewers License Required) | \$25.00 |
| Brewer Taproom On-Sale (State Issued Brewers License Required) | \$500.00 |
| Cocktail Room On-Sale (State Issued Micro Distillery License Required) | \$500.00 |
| Micro Distiller Off-Sale (State Issued Micro Distillery License Required) | \$100.00 |
| Micro Distiller Temporary On-sale Intoxicating (State Issued Micro Distillery License Required) | \$25.00 |
| Liquor License Preliminary Investigation Fee | \$150.00 |
| Liquor License Comprehensive Investigation within State | \$500.00 |
| Liquor License Comprehensive Investigation out of State | \$10,000.00 |
| Duplicate License / Permit Fee | \$10.00 |
| Animal Impoundment | \$35.00 plus tax |
| Animal License | \$10.00 |
| Kennel Fee | \$45.00 |
| Tobacco License | \$100.00 |
| Peddler / Transient Merchant – Annual | \$150.00 |
| Peddler / Transient Merchant – 14 Consecutive Day | \$50.00 |
| Noise Ordinance Exemption | \$25.00 |
| Commercial Noise Permit (Annual) | \$100.00 |
| Ordinance Amendment NOT Requiring A Public Hearing | \$75.00 |
| Mileage | Current IRS rate |

B. ADMINSTRATIVE CITATIONS FEES

| <u>Offense Description</u> | <u>Penalty</u> | <u>Authority</u> |
|-----------------------------------|----------------|-------------------------------|
| Tobacco Possession by Minor | \$50.00 | Ord 6.20 (B) |
| Uncut Grass or Weeds | \$50.00 | Ord 7.08 (s3) |
| Dog running at large | \$25.00 | Ord 10.06 (s2) |
| Dog License Required | \$25.00 | Ord 10.06 (s3) |
| Dog barking | \$25.00 | Ord 10.06 (s12-4) |
| Parking in Front of Driveway | \$25.00 | Ord 9.02 (2) SS169.35:A(2) |
| Parking within 10 feet of Hydrant | \$25.00 | Ord 9.02 (4) SS169.34:A(4) |
| Parking on posted fire lane | \$25.00 | Ord 9.02 (7) |
| Parking on street in winter | \$25.00 | Ord9.03 (s4) |
| Parking in yard | \$25.00 | Ord 9.19 |

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| Parking in Handicap Space | \$100.00 | Ord 9.27 SS169.346 |
| Parking on Sidewalk | \$25.00 | Ord 9.02 (1) |
| Parking Wrong Way | \$25.00 | Ord 7.04 (s4) |
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| Parking When Snow in Street | \$25.00 | Ord 9.03 (s5) |
| Parking in no parking zone | \$25.00 | Ord 9.02 (14) |
| Parking beyond 24 hours in city lot | \$25.00 | Ord 7.11 (s1) |
| Temporary sign violation | \$50.00 | Ord 11.70 (s6) |
| Illegal Dumping | \$100.00 | SS609.68 |
| Odd / Even watering | \$25.00 (1 st Violation) | Ord 3.20 (s6) |
| | \$50.00 (2 nd Violation) | Ord 3.20 (s6) |
| Disorderly Conduct | \$50.00 | Ord 10.31 |
| Disorderly Conduct at School | \$50.00 | Ord 10.32 |
| Junked Cars | \$50.00 | Ord 11.21 (s10a) |
| Curfew – 15 years of age or younger | \$50.00 | Ord 10.30 (s1) |
| 10:00 p.m. | | |
| Curfew – 16 and 17 years of age | \$50.00 | Ord 10.30 (s2) |
| 12:00 p.m. | | |
| Curfew – parents allow | \$50.00 | Ord 10.30 (s3) |
| False Alarm (4 th Response) | \$50.00 (Police) | Ord 10.09 |
| | \$100.00 (Fire) | |
| (5 th Response) | \$100.00 (Police) | Ord 10.09 |
| | \$200.00 (Fire) | |
| (6 th Response) | \$200.00 (Police) | Ord 10.09 |
| | \$400.00 | |
| Public nuisance | \$50.00 | Ord 10.21 (s8E) |
| Noise violation | \$50.00 | Ord 10.29 |

C. MISCELLANEOUS FEES

| <u>Type of Fee</u> | <u>Amount of Fee</u> | <u>Comments</u> |
|---------------------------------------|---|-----------------|
| Assessment Searches | \$15.00 | |
| Police Reports | \$.25 per page per statute | |
| Return Check Fee | \$30.00 | |
| After the fact permit/application | Double the fee amount plus expenses | |
| Certifying unpaid charges to Tax roll | \$50.00/each instance | |
| City Hall Room Rental/Weekday (M-Th) | \$30.00 plus \$30 damage / cleaning deposit | |
| City Hall Room Rental/Weekend (F-S) | \$60.00 plus \$60 damage / cleaning deposit | |
| City Hall Room Rental/Holiday | \$60.00 plus \$60 damage / cleaning deposit | |
| Paper Copies of City Code | \$150.00 plus tax | |
| CD | \$10.00 plus tax | |
| Black/White Paper Copies of Comp Plan | \$75.00 plus tax | |

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| CD | \$10.00 plus tax |
| Paper Copies of Subdivision Ordinance | \$25.00 plus tax |
| CD | \$10.00 plus tax |
| Paper Copies of Zoning Ordinance | \$50.00 plus tax |
| CD | \$10.00 plus tax |
| Data Retrieval for Public Data Requests | Salary and benefit costs of lowest paid employee able to retrieve data (copies are additional) |
| DVD, Council Meetings (each) | \$20.00 |
| Fax (Local - per page) | \$1.00 (tax included) |
| Fax (Long Distance - per page) | \$1.25 (tax included) |
| Fingerprinting (per family) | \$10.00 |
| Breath Testing | \$ 5.00 |
| Towing Fee | \$50.00 |
| Vehicle Impound Fee | \$50.00 |
| Body Camera Link Request | \$30.00 |
| Forfeiture storage Fee | \$10.00 per day not to exceed \$400.00 (not including the day vehicle was seized or the day of disposal) |
| Scanning (larger than 11 x 17, per page) | \$1.00 (tax included) |
| Photocopies (each) | \$0.25 (tax included) |
| Sherburne County Maps | \$2.50 including tax |
| Conduit Debt Fee | .25% of Issuance Amount |
| Credit Card Use Charge | Additional 2.5% charged for any value over \$500.00 |
| Compost Cards | |
| Residential / One Per Household | |
| 1 st Card | Free |
| Replacement Card | \$5.00 |
| Commercial – Fees Apply Annually | |
| Valid January 1 st – December 31 | |
| 1 st Sticker | |
| (Including Access Card) | \$200.00 |
| Additional Stickers | \$100.00 |
| Replacement Access Card | \$5.00 |

D. PROPERTY RELATED FEES

| <u>Type of Fee</u> | <u>Amount of Fee</u> |
|------------------------------|---------------------------|
| Administrative Zoning Permit | \$25.00 |
| Concept Plan | \$100.00 + \$1,000 escrow |

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| Conditional Use Permit (Residential) | \$325.00 |
| Planned Unit Development (PUD) | \$3,000 escrow |
| Conditional Use Permit (Commercial/ Industrial) | \$325.00 + \$1,000 escrow |
| Environmental Review (EAW/AUAR) | \$500.00 + \$3,000 escrow |
| Interim Use Permit (Residential) | \$325.00 |
| Interim Use Permit (Commercial/ Industrial) | \$325.00 + \$1,000 escrow |
| Land Use Amendment | \$350.00 |
| Moving Permit | \$200.00 + \$3,000 escrow |
| Mining/Excavation/ Grading-Filling Permit | \$350.00 + \$50.00/acre beyond 1 acre + escrow (varies with project) |
| Minor Subdivision | \$500.00 + \$3,000 escrow |
| New Construction | |
| (Lawn Escrow) | \$100.00 + \$1900.00 escrow |
| (Grading Escrow) | \$50.00 + \$2950.00 escrow |
| Parkland Dedication Fee (Residential) | 10% dedication of land or \$1,940 per unit |
| Parkland Dedication Fee (Commercial/ Industrial) | 5 % land or cash equivalent \$1.64 per square foot |
| Petition for annexation | \$400.00 + state fees |
| Permanent Sign Permit | \$30.00 |
| Preliminary Plat | \$400.00 + \$20.00/lot + \$5,000 escrow |
| Final Plat | \$300.00 |
| Recording Document Fee | \$46.00 |
| Rezoning of Property | \$350.00 |
| Road Use Agreement | \$325.00 + escrow (varies with project) |
| Road Turn Back Application | \$325.00 + \$5,000 escrow |
| Right of Way Excavation/Obstruction | |
| Commercial | \$100.00 + escrow (varies with project) |
| Residential | |
| Concrete or Pavement Work | \$100.00 |
| Paver Installation | \$30.00 |
| Sprinkler Installation | \$30.00 |
| Sod and Rock | No Charge |
| Simple Lot Subdivision/Boundary Line Adjustment | \$200.00 + \$1,000 escrow |
| Site Inspection/Investigation | \$65.00/hour (drive time included) |
| Site Plan Review | \$325.00 + \$1,000 escrow |
| Small Cell Wireless Facility Permit | \$100.00 (permit fee in addition to collocation agreement charges, if applicable) |
| Special Meeting | \$200.00 in addition to any fees |
| Subsequent hearings with new notice | \$100.00 |

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| Tax Abatement Application | \$500.00 + \$5000 escrow |
| TIF Application | \$500.00 + \$10,000.00 escrow |
| Temporary Sign Permit | \$25.00 + \$100.00 deposit |
| Temporary Use Permit | \$50.00 |
| Vacation Petition | \$325.00 |
| Variance | \$325.00 + \$250 escrow |
| Wetland Application | \$500.00 plus review costs |
| Zoning Use Study Fee | \$350.00 |
| Zoning Text Amendments | \$350.00 |
| Zoning Verification Letter | \$25.00 |
| Building Permit Fee | Based on 1997 Fee Schedule |
| Failure to Pull Permit - Penalty | Same as Building Permit Fee |

1997 Fee Schedule - Total Valuation

Fee

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|--------------------------------|---|
| \$1.00 to \$500.00 | \$23.50 |
| \$501.00 to 2,000.00 | \$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, rounded to the nearest hundred, to and including \$2,000.00. |
| \$2,001.00 to \$25,000.00 | \$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, rounded to the nearest thousand, to and including \$25,000.00. |
| \$25,001.00 to \$50,000.00 | \$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, rounded to the nearest thousand, to and including \$50,000.00. |
| \$50,001.00 to \$100,000.00 | \$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, rounded to the nearest thousand, to and including \$100,000.00. |
| \$100,001.00 to \$500,000.00 | \$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, rounded to the nearest thousand, to and including \$500,000.00. |
| \$500,001.00 to \$1,000,000.00 | \$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, rounded to the nearest thousand, to and including \$1,000,000.00. |

\$1,000,001.00 and up

\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, rounded to the nearest thousand.

Type of Fee

Amount of Fee

| | |
|---|---|
| Plan review | 65% of Building Permit Fee |
| Plan review of similar plans meeting 1300.0160 subd. 6 | 25% of Building Permit Fee |
| Plumbing Fee (Residential) | \$5.00 per opening & 1.00 surcharge* |
| Mechanical (New Residential) | \$25.00 per unit & 1.00 surcharge* |
| Mechanical (Replace Existing Residential) | \$40.00 per unit & 1.00 surcharge* |
| Re roof (Residential) | \$40.00 & 1.00 surcharge* |
| Re side (residential) | \$40.00 & 1.00 surcharge* |
| Window Replacement (existing opening) | \$40.00 & 1.00 surcharge* |
| Water Heater | \$40.00 & 1.00 surcharge* |
| Irrigation System | \$40.00 & 1.00 surcharge* |
| Retaining Wall (Over 4ft) | \$40.00 & 1.00 surcharge* |
| Demolition | \$40.00 & 1.00 surcharge* |
| Fence (over 6' in height) | \$40.00 & 1.00 surcharge* |
| Water Softener | \$40.00 & 1.00 surcharge* |
| Gas Fireplace | \$40.00 & 1.00 surcharge* |
| Re-Inspection Fee | \$50.00 per inspection |
| Investigation Fee | Shall be equal to building permit fee |
| Inspection Fee outside normal business hours (2 hr min.) | \$50.00/hour |
| Other Maintenance Work as Determined by the Building Official | \$40.00 & 1.00 surcharge* |
| Commercial Mechanical and Plumbing Fees | Based on valuation. |
| Staff and Land Use Decision Appeal | \$275 plus out of pocket costs for all consultant attorney time |
| Staff Reimbursement – Development | Double loaded labor rate |
| Manufactured Home Install Fees | Based on valuation of on-site work only |

*State surcharge fees shall be in accordance with MN Statutes, Chapter 326B.

Refund Policy

Requests must be in writing by permit applicant before any work has started. The applicant shall be responsible for 100% of plan review fee. All other fees shall be refunded.

| | |
|-----------------------------------|--|
| Permit Expiration | Each permit issued shall expire if the work authorized by the permit is not commenced within 180 days from the date issued, or if a new inspection has not been scheduled or conducted for a period of 180 days after the last inspection. |
| Reissuance of Expired Permit | 50% of building permit fee (plus plan review fee, if changes have been made to original plans) |
| Review fee for non-issued permits | The applicant shall be responsible for 100% of the plan review fee if the permit is submitted and then abandoned. |

ALL PERMITS MUST BE COMPLETED PRIOR TO BEGINNING WORK

E. UTILITY RELATED FEES

| <u>Type of Fee</u> | <u>Amount of Fee</u> | <u>Comments</u> |
|---|-------------------------------|--------------------------------------|
| Sewer Access Charge (SAC) | \$4,000.00 | |
| Water Access Charge (WAC) | \$2,977.00 | |
| Sanitary Sewer Trunk Charge | \$3,322.00 per acre | |
| Water Trunk Charge | \$2,746.00 per acre | |
| Storm Sewer Trunk Charge 1-3 unit/acre | \$5,183.00 per acre | |
| Storm Sewer Trunk Charge >3 unit/acre | \$6,339.00 per acre | |
| Storm Sewer Trunk Charge Comm/Ind | \$9,895.00 per acre | |
| Meter 5/8" | \$365.00 | |
| Meter 3/4" | \$393.00 | |
| Meter 1" | \$444.00 | |
| Meter 1 1/2" | | Current Cost of Meter and connection |
| Meter 2" | | Current Cost of Meter and connection |
| Meter 3" | | Current Cost of Meter, connections |
| Meter 4" | | Current Cost of Meter, connections |
| Meter 6" | | Current Cost of Meter, connections |
| Meter 5/8" (monthly service charge) | \$3.04 | |
| Meter 3/4" (monthly service charge) | \$3.28 | |
| Meter 1" (monthly service charge) | \$3.71 | |
| Meter 1 1/2" (monthly service charge) | \$8.57 | |
| Meter 2" (monthly service charge) | \$9.76 | |
| Meter 3" (-monthly service charge) | \$23.38 | |
| Meter 4" (monthly service charge) | \$29.75 | |
| Meter 6" (monthly service charge) | \$44.63 | |
| Testing Fee (monthly service charge) | \$0.53 | |
| Hydrant/Water Fill Station Hook Up | \$30.00 | |
| Hydrant Meter 3/4" or smaller - Deposit | \$10.00 plus \$100.00 Deposit | |

| | |
|---|--|
| Hydrant Meter Rental – (Week minimum) | \$40.00 plus \$50.00 Deposit |
| Water and Sewer installation inspection | \$100.00 |
| Water Flow / Pressure Test | \$100.00 per hydrant |
| After hours water or sewer installation inspection | \$200.00 up to 2 hours, additional hours extra |
| After hours water or sewer emergency call-out | \$200.00 up to 2 hours, additional hours extra |
| Storm Sewer Connection Permit | \$100.00 plus escrow |
| Water Line wet tap permit | \$100.00 |
| Sewer tap permit | \$100.00 |
| Disconnect fee - Voluntary | \$50.00 |
| Disconnection fee – Involuntary | \$100.00 |
| Reconnection fee | \$ 50.00 |
| Delinquent Utility Bill Charge (in excess of \$5.00) | 15 percent of unpaid balance added to bill |

F. CHARGES FOR SERVICES

| <u>Type of Fee</u> | <u>Amount of Fee</u> |
|---|--|
| <u>Water, Residential (per 1,000 gallons)</u> | |
| Base Charge | <u>\$1.29</u> |
| 0 - 6,000 gallons | <u>\$2.59</u> |
| 6001 – 12,000 gallons | <u>\$2.98</u> |
| 12,001 and above | <u>\$3.41</u> |
| <u>Commercial(per 1,000 gallons)</u> | |
| Base Charge | \$1.29 |
| 0 - 25,000 | \$2.59 |
| 25,001 – 50,000 | \$2.98 |
| 50,001 – 100,000 | \$3.43 |
| 100,001 and above | \$4.26 |
| Sewer Up to 2000 gallons | \$11.05 minimum charge |
| Sewer 2001 gallons and above | \$7.36 (per 1,000 gal. of water used) |
| Testing Fee | \$0.81 per month |
| Bulk Water Fill Charge | \$3.00 (per 1,000 gal. of water) |
| Late fee – Delinquent accounts | \$10.00 per billing period + 15% interest per year |
| Final Water Meter Read/Monthly re-read | \$25.00 |
| Grass Cutting Fee | |
| Residential: | \$150.00 |
| Commercial: | \$350.00 |
| Contracted Out | Contractor rate + \$25 Administrative Fee |
| Right of Way Tree Trimming | |

| | |
|--|---|
| First ½ Hour – Minimum Charge | \$125.00 |
| Each 15 Minute Interval | |
| After First ½ Hour | \$52.50 |
| Sidewalk Snow Removal | |
| Residential | \$75.00 |
| Commercial | \$150.00 |
| Contracted Out | Contractor Rate + \$25 Administrative Fee |
| Public Works Labor Rate | \$70.00 per hour plus tax |
| *Single Axle Truck / Snow Plow | \$100.00 per hour plus tax |
| *Loader / Snow Plow | \$150.00 per hour plus tax |
| *Bobcat /Toolcat | \$75.00 per hour plus tax |
| *Bobcat /Toolcat – Attachments / Broom | \$25.00 per hour plus tax |
| *Chipper | \$75.00 per hour plus tax |
| *Bucket Truck | \$100.00 per hour plus tax |
| *Roller | \$60.00 per hour plus tax |
| *Jet /Vac Truck | \$200.00 per hour plus tax (two hour minimum) |
| *Sweeper | \$150.00 per hour plus tax |
| *Snowblower for Loader | \$150.00 per hour plus tax |
| *Sanding, Charge by Yards Used | \$65.00 per yard plus tax and Truck Rental |
| *Pickup Truck | \$50.00 per hour plus tax |
| *Pickup Snow Plow | \$100.00 per hour plus tax |
| *1 Ton Dumptruck / Snow Plow | \$100.00 per hour plus tax |
| *Tractor / Loader/ Mower | \$100.00 per hour plus tax |
| *Generator | |
| Daily | \$500.00 per day, minimum, plus tax and Truck Rental |
| Weekly | \$2000.00 per week plus tax and Truck Rental |
| *Water Line Thawing Machine (Only available M-F, 8AM-2PM) | \$150.00 per hour plus tax (two hour minimum) |

*When renting any of the above equipment, a Public Works Operator(s) may be required as well at the above labor rate.

Source: Ordinance 184, 2nd Series, Effective Date: December 27, 2016

Source: Ordinance 186, 2nd Series, Effective Date: January 23, 2017

Source: Ordinance 196, 2nd Series, Effective Date: December 26, 2018

Source: Ordinance 199, 2nd Series Effective Date: February 26, 2018

Source: Ordinance 207, 2nd Series, Effective Date: December 24, 2018

Source: Ordinance 211, 2nd Series, Effective Date: February 11, 2019

Source: Ordinance 219, 2nd Series, Effective Date: December 23, 2019

(Sections 2.20 through 2.29, inclusive, reserved for future expansion.)

SEC. 2.30. 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 wages and salaries shall be fixed and determined by the Council.

SEC. 2.31. PUBLIC SAFETY DEPARTMENT.

Subd. 1. Establishment. A Public Safety Department is hereby created for the purpose of law enforcement.

Subd. 2. Organization. The Public Safety Department shall be under the direct supervision and control of the Public Safety Director who, as to all matters relating thereto, shall be the Chief of Police. The Public Safety Director shall be assisted by such other officers and employees as the Council may deem necessary.

SEC. 2.32. FIRE PROTECTION SERVICES. The City is authorized to enter into an agreement under the Joint Powers Act creating a Joint Advisory Fire Board to establish and administer a volunteer fire department. The City is authorized to participate in that arrangement and cooperate with the Joint Advisory Fire Board by appointing two people to serve on the Board and contributing to the economic needs of the Board in amounts and percentages as the Council deems appropriate in light of the fire protection services received by the City.

SEC. 2.33. PUBLIC WORKS DEPARTMENT. A Public Works Department is hereby established. The Head of such Department shall be the Superintendent of Public Works. The City water, sewerage systems and streets shall be under the direct supervision of the Superintendent and s/he shall be responsible for and have custody of all property of such Department. The Superintendent shall make and file such reports as may be requested by the Council.

SEC. 2.34. PARKS AND RECREATION DEPARTMENT. A Parks and Recreation Department is hereby established. The Head of this Department shall be the Director of Parks and Recreation. The community center and all park and recreational activities shall be under the direct supervision of the Director and s/he shall be responsible for and have custody of all property of such Department. The Parks and Recreation Department shall take no action with respect to the City Golf Course, the operation of which is to be overseen by the Golf Course Committee, as established hereinafter. *Source: City Code Effective Date: 5-8-95*

(Sections 2.35 through 2.39, inclusive, reserved for future expansion.)

SEC. 2.40. BOARDS AND COMMISSIONS GENERALLY. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

Subd. 1. Appointment and Composition of Members. Unless otherwise provided by other provisions of the City Code, all Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor or the Council, as the case may be, prior to the expiration of an existing term. No more than two Council members may be appointed to any one Board or Commission. No appointed Board or Commission member shall be an employee of the City, but an ex officio member may be so employed. The City Administrator shall be an ex officio member of all Boards and Commissions; provided, that if s/he is unable to attend a meeting or act in the capacity of such membership, s/he may be represented by an assistant or some person duly authorized by the City Administrator.

Subd. 2. Term. The term of each appointee shall be established and stated at the time of his or her appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this Section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. Provided, however, that all appointees to Board 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 effective immediately when made and only for the unexpired term.

Subd. 3. Compensation and Reimbursement. Board and Commission members shall serve with such compensation as shall be determined from time-to-time by the Council and shall 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.

Subd. 4. Officers; Meetings. A Chairman shall be chosen from and by the Board or Commission membership annually to serve for one year. Provided, however, that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Each Board and Commission shall hold its regular meeting at a time established and approved by each Board and Commission.

Subd. 5. Removal. Any Board or Commission member may be removed by the Council for failure to effectively discharge the duties of the member's particular office, and his or her position filled as any other vacancy.

A. Failure to Attend Meetings. It shall be considered grounds warranting removal for any Board or Commission member to fail to attend, without prior notice to the City official assigned to the particular Board or Commission, three (3) consecutive meetings, or any four (4) meetings within any twelve (12) month period. The removal of a member for failure to attend meetings shall be commenced by the City giving the member notice of its intent to replace the member, and the giving of such notice shall start the notice period for removal.

B. Notice Period. The removal of a Board or Commission member shall become effective thirty (30) days after the occurrence of the earlier of the following:

- i. A statement of the grounds warranting removal is provided to the affected member; or
- ii. Commencement of the notice period pursuant to Subparagraph A, above, for failure to attend meetings.

Allowing the member an opportunity to appeal the decision pursuant to Sections 2.09 and 2.10 of the City Code.

C. Hearing and Decision. If no such hearing is requested within thirty (30) days, the decision shall become final. Where a member is removed, the findings of the Council, together with the record of the appeal hearing, if any, shall be filed with the Clerk. If a written statement alleging grounds warranting immediate removal is submitted to the Council against a member, that member may be temporarily suspended pending the permanent removal procedure set forth above, but if the Council determines that those allegations have not been substantiated, the member must be immediately reinstated.

SEC. 2.41. PLANNING COMMISSION.

Subd. 1. Establishment and Composition. A Planning Commission is hereby established. The Commission shall be composed of five (5) members appointed by the City Council who shall serve staggered three-year terms. An alternate member may also be appointed by the city council. Said alternate member shall be entitled to participate in discussion. The City Attorney, by reason of his position, shall be an ex officio member. *Source: Ordinance No. 60, 2nd Series, Effective Date: August 11, 2001; Source: Ordinance 95, 2nd Series, November 16th, 2004*

A. Members. The members appointed by the City Council shall each have one vote on matters before the Commission. The alternate members, if one is appointed, shall be authorized one vote on matters before the Commission if a Planning Commission member is absent. Members shall be subject to removal pursuant to Section 2.40, Subdivision 5 of the City Code. *Source: Ordinance 95, 2nd Series Effective Date: November 16th, 2004*

Subd. 2. Powers and Duties. The Commission shall have all the powers and duties defined or granted in the Statutes and the City Code relating to planning, zoning and subdivision regulation and shall act in an advisory capacity to the Council in all of such areas.

SEC. 2.42. BOARD OF ADJUSTMENTS.

Subd. 1. Establishment and Composition. A Board of Adjustments is hereby established.

Subd. 2. Powers and Duties. The powers and duties of the Board are set forth in the Zoning Chapter.

SEC. 2.43. GOLF COURSE COMMITTEE.

Subd. 1. Establishment. There is hereby created a Golf Course Committee of the City Council. The Golf Course Committee will be a reporting body on the monthly, quarterly and annual performance of Pebble Creek Golf Course. The Golf Course Committee will also act as an advisory board on policy issues. *Source: Ordinance 206, 2nd Series, Effective Date: November 12, 2018*

Subd. 2. Membership and Term. The Golf Course Committee shall consist of the following members: (1) two City Council members, who shall be appointed by motion of the City Council; (2) The head of golf operations; (3) the City Administrator or his/her representative. *Source: Ordinance 48, 2nd series, Effective Date: 9-9-00 Source: Ordinance 123, 2nd Series; Effective Date: December 1st, 2007*

Subd. 3. Golf Course Task Force and Term. During any building, expansion, or special projects at the Golf Course, the Committee may appoint a Golf Course Task Force to deal with a "project". The Golf Course Task Force shall be appointed and activated by the Committee and shall serve for a specified period of time dealing with the specified project. Once the project is completed to the satisfaction of the Committee, the Golf Course Task Force shall be dissolved.

Subd. 4. Committee Officers. The Committee shall elect from its membership a chairperson and acting chairperson who serve on an annual basis. The secretary shall be the City Administrator or designated alternate, who may or may not be a member of the Committee.

Subd. 5. Meetings. The meetings of the Golf Course Committee shall be held at such times and places as may be determined by the rules of the Committee. In addition the chairman may call a meeting upon the concurrence of another Committee member and upon proper notice being given to all Committee members. At least one meeting shall be held in each calendar month during the Golf Course playing season.

Subd. 6. Quorum. Three or more Committee members present at a meeting shall constitute a quorum for the transaction of business.

Subd. 7. Duties. The Committee shall have the following duties:

- A. To study and determine the strategic direction of the golf course. To act as a liaison and make recommendations on policy issues to the City Council. *Source: Ordinance 206, 2nd Series, Effective Date: November 12, 2018*
- B. To submit to the City Council on an annual basis the budget for revenues and expenditures for the operations of the Golf Course. *Source: Ordinance 48, 2nd series Effective Date: 9-9-00 Source: Ordinance 61, 2nd Series, Effective Date: 08-25-01*
- C. To plan for and activate the Golf Course Task Force in the event a need has been determined for a special project as identified in Subdivision 3.
- D. Such other duties which may be lawfully assigned to the Golf Committee by the City Council.

Subd. 8. Compensation and Expenses. City Council members assigned to the Golf Committee are to be paid in the same manner that they are paid for other meetings Council. The remaining committee members will receive no additional compensation for meeting attendance. Expenses incurred by members are reimbursable in accordance with City policy. Golf Course Task Force members shall be paid in conformance with City policy as it relates to per meeting compensation for all committee, commission, and board members.

SEC. 2.44. PARK AND RECREATION COMMISSION.

Subd. 1. Establishment and Composition. An Advisory Park and Recreation Commission composed of five (5) members is hereby established. Its members shall serve staggered three-year terms.

Subd. 2. Powers and Duties. The Advisory Park and Recreation Commission shall have the power and duty to advise, adopt and maintain parks and playgrounds, and to recommend expansions and plans for the development of the park system to the Council. The Commission may enter into necessary contracts subject to Council approval for the maintenance and care of park property and is authorized to receive and accept, in the name of the City, gifts or devises of real or personal property to be used for park purposes.

SEC. 2.45. CITY TREE BOARD.

Subd. 1. Establishment and Composition. A City Tree Board composed of the members of the Park and Recreation Commission, is hereby established, and shall hold office concurrently with their terms as members of said Commission.

Subd. 2. Powers and Duties. The City Tree Board shall study, investigate, counsel, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs, in parks, along streets, and in other public areas. The plan shall be presented to the Council, and following the review and approval by the Council, shall constitute the official comprehensive City Tree Plan for the City. The City Tree Board, when requested by the Council, shall consider, investigate, make findings, report, and recommend upon any special matter or questions coming within the scope of its work.

Subd. 3. Officers. The City Tree Board shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. A majority of the members shall constitute a quorum for the transaction of any business. Nothing in this Section shall be deemed to conflict with Minnesota Statutes, Sections 412.501-412.531 respecting the operation of a municipal park board.

SEC. 2.46. JOINT ADVISORY FIRE BOARD.

Subd. 1. Appointment of City Members. The Council shall appoint two members to the Joint Advisory Fire Board established by the City and the Township of Becker under the Joint Powers Act. At least one of the two members shall be a member of the Council. Joint Advisory Fire Board members who are Council members shall be appointed to one-year terms, and Joint Advisory Fire Board members who are not Council members shall be appointed to three-year terms.

SEC. 2.47. ECONOMIC DEVELOPMENT AUTHORITY.

Subd. 1. Establishment of Commission. There is hereby established, pursuant to Minnesota Statutes Chapter 469, an Economic Development Authority, (hereinafter referred to as the "Authority") which shall serve to encourage, attract, promote and develop economically sound industry and commerce within the City.

A. Modification. All modifications to the City resolution establishing this Section must be made by written resolution of the Council after notice is given and a public hearing conducted.

Subd. 2. Commissioners. The Authority shall consist of five commissioners, two of whom must be members of the City Council, and up to one may be a resident of Becker Township.

A. Appointment and Terms. The members shall be appointed by the Mayor with the approval of the City Council. Those initially appointed shall be appointed for terms of one, two, three, four, five, and six years respectively. Thereafter, all members shall be appointed for six year terms.

B. Vacancies. A vacancy is created in the membership of the Authority when a Council member of the Authority ends Council membership. Vacancies and expired terms shall be filled annually by appointments of the Mayor approved by the Council. The City Council may set the term of the commissioners who are members of the City Council to coincide with their term of office as members of the City Council.

C. Compensation and Reimbursement. A commissioner, including the president, shall be paid for attending each regular or special meeting of the Authority in an amount determined by the City Council. In addition to receiving pay for meetings, the commissioners may be reimbursed for actual expenses incurred in doing official business of the Authority. All money paid for compensation or reimbursement must be paid from the Authority's budget.

D. Removal for Cause. A commissioner may be removed by the City Council for inefficiency, neglect of duty, or misconduct in office. A commissioner shall be removed only after a hearing. A copy of the charges must be given to the commissioner at least ten days before the hearing. The commissioner must be given an opportunity to be heard in person or by counsel at the hearing. When written charges have been submitted against a commissioner, the City Council may temporarily suspend the commissioner. If the City Council finds that those charges have not been substantiated, the commissioner shall be immediately reinstated. If a commissioner is removed, a record of the proceedings, together with the charges and findings shall be filed in the office of the city clerk.

Source: Ordinance 171, 2nd Series, Effective Date: January 27, 2014

Subd. 3. Officers. The Authority shall elect a president and vice president. A member may not serve as president and vice president at the same time. The Authority shall elect the president annually. An appointee of the City shall act as secretary, and the Treasurer for the City shall perform the duties of the Treasurer for the Authority.

Subd. 4. Organizational Matters. The Authority shall adopt by-laws and rules to govern its procedures and for the transaction of its business and shall keep a record of attendance at its meetings and of resolutions, transactions, findings, and determinations showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Authority shall be a public record, except for those items classified by law as non-public data. The Authority shall adopt an official seal.

Subd. 5. Powers. The Authority is a separate, viable entity, vested with the following powers, each subject to prior approval by the Council.

A. Establishment. The Authority may create and define the boundaries of economic development districts.

B. Acquire Property. The Authority may acquire by lease, purchase, gift, devise or condemnation proceedings the right, title and interest in property needed to create economic development districts.

C. Options. The Authority may sign options to purchase, sell, or lease property.

- D. Eminent Domain.** The Authority may exercise the right of eminent domain under Minnesota Statutes Chapter 117 to acquire property.
 - E. Contracts.** The Authority may make contracts for the purpose of economic development, including contracting for services of consultants, agents, public accountants, and other persons needed to perform its duties and exercise its powers.
 - F. Limited Partner.** The Authority may be a limited partner in a partnership whose purpose is consistent with the Authority's purpose.
 - G. Rights and Easements.** The Authority may acquire rights or an easement for a term of years or perpetually for development of an economic development district.
 - H. Issuance of Bonds.** The Authority may issue general obligation bonds and revenue bonds when authorized by the City Council and pledge as security for the bonds the full faith, credit, and resources of the City of such revenues as may be generated by projects undertaken by the Authority.
 - I. Supplies, Materials and Attorney.** The City Council shall make available to the Authority such appropriations as it deems fit for salaries, fees, and expenses necessary in the conduct of its work. The Authority may purchase the supplies and materials it needs to carry out its duties, and may use the facilities of the City's purchasing department in connection with construction work and to purchase equipment, supplies, or materials. The Authority may use the services of the City Attorney for its legal needs.
 - J. Study Needs.** An Authority may study and analyze economic development needs in the City and ways to meet those needs.
 - K. Other Powers Granted by Statute.** The Authority may exercise any other power enunciated by Minnesota Statutes Chapter 469 which has not been limited or removed by the Council under this Section as modified from time to time by resolution.
 - L. Other Powers Granted by the City Council.** The Authority may exercise any other power granted by the Council under a resolution modifying this Section.
- Subd. 6. Limitations of Power.** The actions of the Authority is hereby limited as follows:
- A.** The Authority may not exercise any specific powers contained in Minnesota Statutes Sections 469.001 to 469.047, 469.090 to 469.108, and 469.124 to 469.134 without the prior approval of the City Council.
 - B.** Except when previously pledged by the Authority, the Council may, by resolution, require the Authority to transfer any portion of the reserves generated

by its activities that the Council determines are not necessary for the successful operation of the Authority, to the debt service funds of the City, to be used solely to reduce tax levies for bonded indebtedness of the City.

- C. The sale of all bonds or obligations issued by the Authority shall be approved by the Council before issuance.
- D. The Authority shall follow the budget process for City departments as provided by the City and as implemented by the Council and Mayor.
- E. All official actions of the Authority must be consistent with the adopted comprehensive plan of the City and any official controls implementing the comprehensive plan.
- F. The Authority shall submit all planned activities for influencing the action of other governmental agencies, subdivisions, or bodies to the Council for approval.
- G. The Authority shall submit its administrative structure and management practices to the Council for approval.
- H. The Authority's powers can be further limited by modifications of this Section through resolutions adopted in accordance with Subdivision 1(A) above.

Subd. 7. Cooperation of City, Authority's Entrance Upon Lands, Etc. All City employees shall, upon request and within a reasonable time, furnish to the Authority or its employees or agents such available records or information as may be required in its work. The Authority, or its employees or agents, may, in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of this Section. *Source: City Code, Effective Date: 5-8-95*

(Sections 2.48 through 2.59, inclusive, reserved for future expansion.)

SEC. 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 section 158.10, is not considered an abandoned vehicle. *Source: Ordinance 61, 2nd, Series, Effective Date: August 27, 2001*
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 published once in the official newspaper. Published notices may be grouped together for convenience and economy.

B. 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.

C. 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 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.

D. 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 days and has been declared such by a resolution of the Council.
- B. Preliminary Notice.** If the City Administrator knows the identity and whereabouts of the owner, s/he shall serve written notice upon him at least thirty days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator notice shall also be served upon him. 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 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 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 s/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 be also made from the General Fund.

Subd. 3. Disposal of Excess Property.

- A. Declaration of Surplus and Authorizing Sale of Property.** The City 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 City Administrator authorized to dispose of said property in the manner stated herein.

- B. Surplus Property With a Total Estimated Value of Less than \$1,000.00.** The City Administrator may sell surplus property with a total value of less than \$1,000.00 through negotiated sale.
- C. Surplus Property With a Total Estimated Value of \$1,000.00 or More.** The City Administrator shall offer for public sale, to the highest bidder, surplus property with a total estimated value of \$1,000.00 or more. 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.
- D. 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.

SEC. 2.61. PERSONNEL RULES AND REGULATIONS. The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time-to-time be amended.

SEC. 2.62. DEFERMENT OF SPECIAL ASSESSMENTS.

Subd. 1. The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, and the City Administrator or City Clerk is hereby authorized to record the deferment of special assessments where the following conditions are met:

- A.** The applicant must apply for the deferment not later than ninety days after the assessment is adopted by the Council.

- B. The applicant must be 65 years of age, or older, or retired by virtue of permanent and total disability.
- C. The applicant must be the owner of the property.
- D. The applicant must occupy the property as his principal place of residence.
- E. The applicant's income from all sources shall not exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing.

Subd. 2. The deferment shall be granted for up to twenty (20) years and as long a period of time as the hardship exists and the conditions as aforementioned have been met. However, it shall be the duty of the applicant to notify the City Administrator or City Clerk of any change in his status that would affect eligibility for deferment.

Subd. 3. The entire amount of deferred special assessments shall be due within sixty days after loss of eligibility by the applicant. If the special assessment is not paid within sixty days, the City Administrator or City Clerk shall add thereto interest at 8% per annum from the due date through December 31 of the following year and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant plead and prove, to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay within sixty days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.

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

- A. The death of the owner when there is no spouse who is eligible for deferment.
- B. The sale, transfer or subdivision of all or any part of the property.
- C. Loss of homestead status on the property.
- D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment. *Source: Ordinance 48 2nd Series, Sept. 9, 2000*

SEC. 2.63. PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.

Subd. 1. Partial Prepayment of Assessments Permitted. After the adoption of an assessment roll pursuant to Minnesota Statutes, Chapter 429, as amended, and before certification of said assessment roll to the County Auditor/Treasurer, the City Administrator or City Clerk, or other

authorized official, is authorized and directed to accept partial prepayment of said assessment, and reduce the amount certified to the County Auditor/Treasurer accordingly. As provided by law, such partial prepayment may be accepted only during the thirty-day period following approval of the assessment roll. *Source: Ordinance 48 2nd Series, Sept. 9, 2000 Source: Ordinance 61, 2nd Series Aug.25, 2001*

Subd. 2. Scope. This Section shall apply to all assessment rolls which, on the effective date hereof, have been adopted by the Council but not yet certified to the County Auditor, and to all assessment rolls subsequently adopted by the Council.

SEC. 2.64. 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 the 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, 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 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 of a franchise permitting 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 placing in the streets or other public places 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. Particularly, the Council shall have the power to require the removal of poles, masts, and other fixtures bearing wires and placing underground 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. *Source: City Code, Effective Date: 5-8-95*

SEC. 2.65. CRIMINAL BACKGROUND INVESTIGATIONS

Subd. 1. Applicants for City Employment

- A. **Purpose.** The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Sec. 1.B.(1).
- B. **Criminal History Employment Background Investigations.** The Becker Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed:
 - 1. Employment positions: all seasonal, regular part-time and full-time employees and volunteers of the City of Becker.
 - 2. In conducting the criminal history background investigation in order to screen employment applicants, the Becker Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained by the Becker Police Department under the care and custody of the chief law enforcement official or designee. A summary of the results of the Computerized Criminal History data may be released by the Becker Police Department to the hiring authority, including the City Council, the City Administrator, or other City Staff or consultants involved in the hiring process.

3. Before the investigation is undertaken, the applicant must authorize the Becker Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:
 - a. The grounds and reasons for the denial.
 - b. The applicant complaint and grievance procedure set forth in Minnesota State Statutes Section 364.06.
 - c. The earliest date the applicant may reapply for employment.
 - d. That all competent evidence of rehabilitation will be considered upon reapplication.

Subd. 2. Applicants for City Licenses/Permits

A. Purpose. The purpose and intent of this Section is to establish regulations that will allow Law Enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing and permit background checks.

B. Criminal History License and Permit Background Investigations. The City of Becker Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses and/or permits within the City:

1. City license:

Transient Merchant/Peddler (Ordinance Section 6)
Tobacco Sales (Ordinance Section 6)
Sexually Oriented Business/Employer License (Ordinance Section 6)

City Permit:

Noise Exemption (Ordinance Section 10)

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

3. Before the investigation is undertaken, the applicant must authorize the Becker Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:
 - a. The grounds and reasons for the denial.

 - b. The applicant complaint and grievance procedure set forth in Minnesota State Statutes Section 364.06.

 - c. The earliest date the applicant may reapply for the license.

 - d. That all competent evidence of rehabilitation will be considered upon reapplication.

Source: Ordinance 167 2nd Series, Effective Date April 29, 2013

(Sections 2.66 through 2.69, inclusive, reserved for future expansion.)

SEC. 2.70. CITY OFFICE ELECTIONS.

Subd. 1. Election Years. Regular City elections shall be held biennially on the first Tuesday after the first Monday in November of each even-numbered year.

Subd. 2. Terms of Office.

A. Office of Mayor. The term of the office of Mayor shall be for four (4) years.

Source: Ordinance 61, 2nd, August 25, 2001

B. Council Members. Two Council member positions shall be up for election every biennium. Council members shall serve a term of four (4) years and shall be up for election to a four-year term at the end of each such Council member's term. *Source: City Code, Effective Date: 5-8-95*

SEC. 2.71 ABSENTEE BALLOTS

Subd. 1 Authorization of Auditor/Treasurer.

A. The County Auditor/Treasurer is authorized to take application and distribute absentee ballots for residents of the City.

B. The County Auditor/Treasurer is authorized to direct that absentee ballots obtained by residents of Becker be returned to the County Auditor/Treasurer for safe and secure storage until election day.

C. The County Auditor/Treasurer shall deliver the absentee ballots directly to the City election polling site on election day.

Subd.2. Compensation.

The County Auditor/Treasurer will be paid a reasonable compensation by the County Board for services rendered during each election. Based on the number of absentee ballots cast, the City of Becker will pay a pro-rated share of the total cost, as billed by the County Auditor/Treasurer.

Source: Ordinance 16, 2nd series, Effective Date: 9-3-96, Ordinance 61 2nd Series, Aug. 25, 2001.

(Sections 2.72 through 2.98, inclusive, reserved for future expansion.)

SEC. 2.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when s/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. *Source: City Code, Effective Date: 5-8-95*