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## **CHAPTER 20**

### **LISTING OF UNCODED ORDINANCES IN EFFECT**

All ordinances described in this Chapter remain in effect after adoption of the City Code. They are of a permanent and continuing nature as authority for a specific act which has been performed. These ordinances are of two types, that generally distinguish them from other provisions of the City Code, either (1) their texts have no continuing reference value, or (2) they are in the nature of a contract and of only occasional reference value. For these reasons it appears justified to list and describe them here only to facilitate finding them in the event this becomes necessary.

### Grant of Railroad Rights-of-Way

Ordinance Number	Date of Adoption	Grantee
35	2-7-05	Eastern Railway Company
36	6-20-11	Duluth, Winnipeg & Pacific Railroad Company (formerly Ordinance No. 120).
37	3-19-29	Duluth, Winnipeg & Pacific Railroad Company
38	10-8-18	Duluth, Winnipeg & Pacific Railroad Company
39	4-5-21	Duluth, Winnipeg & Pacific Railroad Company
40	6-13-22	Duluth, Winnipeg & Pacific Railroad Company
41	3-25-07	Duluth, Missabe & Northern Railroad Company
42	7-20-09	Duluth, Missabe & Northern Railroad Company

### **Naming and Renaming Streets**

Ordinance No. 47, adopted May 16, 1916, changes the names and numbers of streets and avenues in the City.

Ordinance No. 84, adopted January 11, 1955, names Second and One-Half Street.

### **East Mesaba Sanitary Disposal Authority**

Ordinance No. 103, adopted April 6, 1971, created a joint sanitary disposal authority to be known as the East Mesaba Sanitary Disposal -Authority by the City and other communities.

**CITY OF VIRGINIA**

**ORDINANCE NO. 103A**

An Ordinance Providing for the Creation of the Biosolids Disposal Site Authority by the City of Virginia and Other Communities and Providing for the Maintenance, Operation and Regulation of a Sanitary Disposal System for Said Communities

The City Council of the City of Virginia does ordain as:

**SECTION 20.01 BIOSOLIDS DISPOSAL SITE AUTHORITY.** There is hereby created, pursuant to provisions of Minnesota Statutes, Section 471.58 and Acts amendatory thereof, a joint sanitary disposal authority to be known as the Biosolids Disposal Site Authority. The Authority shall be composed of one member representing each of the participating municipalities, which member shall be appointed by a majority vote of the governing body. The members of the Authority shall serve without compensation except for the Secretary-Treasurer.

**SECTION 20.02 TERM OF OFFICE.** The members of the first Authority shall be appointed as follows:

One member shall be appointed by the governing body of the City of Mt. Iron for a term expiring on the first Monday in January, 1991;

One member shall be appointed by the governing body of the City of Eveleth for a term expiring on the first Monday in January, 1992;

One member shall be appointed by the governing body of the City of Gilbert for a term expiring on the first Monday in January, 1993; and

One member shall be appointed by the governing body of the City of Virginia for a term expiring on the first Monday in January, 1994.

Thereafter, each community wherein a vacancy exists shall appoint one member for a term of four (4) years. All members shall serve until their successors are appointed and qualified. In the event of a vacancy, the municipality wherein such vacancy occurs shall appoint a replacement who shall serve for the balance of the term of the replaced member.

Each municipality may appoint an alternate member who may attend all meetings of the Authority. He may participate in all discussions and may vote only in the absence of the regular member from his municipality.

All members currently on the East Mesaba Sanitary Disposal Authority shall be members of the Biosolids Disposal Site Authority until the Council of the community appoints a new member.

**SECTION 20.03. OFFICERS.** The Joint Authority shall elect one of its members to be Chairman of the Authority, one member to be Vice Chairman and shall appoint a Secretary-Treasurer who may, but need not be, a member of the Authority. Each such appointee shall hold office for the term of one year and until his successor is appointed and qualified.

**SECTION 20.04. DUTIES AND POWERS.** The Authority shall have full authority and responsibility for the establishment, maintenance and regulation of the Biosolids Disposal Site Authority. In carrying out such authority, it shall have all of the powers and authority vested in the municipalities under the laws of the State of Minnesota relating to the establishment, operation and regulation of a sanitary disposal system.

Without limiting its general powers vested in it by law, it shall have the following powers:

- (a) To acquire, by purchase, lease, gift or otherwise, property for, and to establish, construct, enlarge, improve, maintain, equip, operate and regulate a biosolids site, and to accomplish these purposes to apply for and receive federal and state grants;
- (b) To gather information on the problem of collection and disposal of biosolids insofar as the members are concerned and on the best means of meeting said problem and to disseminate such information;
- (c) To employ qualified engineers or other experts to prepare and submit studies and reports on said problem and proposed solutions thereof;
- (d) To employ legal counsel and administrative and clerical personnel as necessary;
- (e) To secure appraisals of real property;
- (f) To expend monies and incur liabilities for such purposes;
- (g) To define its procedure, including the appointment of committees of less than all the members;

(h) To submit findings and recommendations to the member municipalities;

(i) To award contracts upon proper bid for the performance of any of the authorized services of the Authority;

(j) To adopt such rules and regulations for the operation of the sludge disposal site as they shall, in their discretion, deem necessary and advisable, and to establish a penalty for violation thereof;

(k) To establish the procedures for new communities to join the Authority.

**SECTION 20.05. CONTRIBUTIONS TO CAPITAL AND OPERATION COST.** Costs incurred in the establishment, operation and maintenance of said biosolids disposal site shall be divided among the participating municipalities on a per capita basis. The first fiscal year shall be financed by the transfer of funds from the East Mesaba Sanitary Disposal Authority. These are the unspent funds that were appropriated to the East Mesaba Sanitary Disposal Authority by the Cities of Eveleth, Gilbert, Mt. Iron and Virginia for the purpose of operating the sludge disposal site. Title to any lands acquired by the Biosolids Authority shall be transferred to the name of the Authority in trust for the participating municipalities. Ownership of such purchases shall be divided among the participating municipalities, in relation to their various populations.

**SECTION 20.06. BUDGET.** On or before June 1st of each year, the Authority shall prepare a budget for financing the operations of the Authority for the ensuing calendar year. A copy of the budget shall, not later than September 1, be furnished to the governing boards of the participating municipalities. Such budget shall include an estimation of all income and their sources, as well as an itemized budget of estimated expenditures. Final decision of the respective governing bodies, as to requested contributions, shall be reported to the Authority which shall adjust its budget, if necessary, so that its budget may at all times be balanced. Money not expended in the budget may be carried over to the following year.

The Authority shall not have the power to levy taxes or borrow money and it shall not approve any claim or incur any obligation for expenditures unless there is unencumbered cash in the appropriate fund to credit the Authority with which to pay the same.

**SECTION 20.07. FINANCES.** All receipts of money shall be deposited in the bank or banks selected by the Authority and credited to the account of the Biosolids Site Disposal Authority. No disbursement shall be made except by check in such manner as the Authority may determine, nor unless a verified claim for services and commodities actually rendered or delivered be submitted to and approved for payment by the Authority, and authenticated by the signature of the Chairman and Secretary-Treasurer. An audit of the funds of the Authority shall be made annually. Such audits may be made independently or in conjunction with any audit which may be made of the funds of any of the participating municipalities. An employee of the Authority who handles cash in the process of collection shall, if the Authority so requires, furnish a surety bond in such amount as may be determined by the Authority. The cost of such bond shall be paid out of Authority funds.

**SECTION 20.08. REPORTS.** The Authority, as soon as possible, at the end of each calendar year, shall prepare and present to each municipal council a comprehensive report of its activities and finances. The Authority shall also prepare and present federal and state officials with such reports as may be required by law, regulation or contract.

**SECTION 20.09. TERMINATION.** This ordinance, when adopted by the City Council of the City of Virginia, and when concurrent ordinances are adopted by other participating municipalities, shall constitute a contract between said municipalities. It shall be in full force and effect for five (5) years thereafter, provided, however, that the provisions thereof, except as to the duration of the contract, may be amended by mutual agreement of said municipalities. Thereafter, it shall continue in force from year to year. By written notice mailed or delivered to the Secretary-Treasurer of the Authority, at any time following the initial 5-year period, any member may discontinue membership in the association at the end of the year in which such notice given. If upon such termination by one or more of the municipalities, the expenses of and liabilities of the Authority exceed the sum of the amounts paid by such members, the member so terminating their membership shall pay to the Authority their pro-rata share thereof. This agreement shall continue from year to year so long as at least two members continue to participate. If one of the last two remaining municipalities desires to terminate the Authority, it shall notify the other municipality to that effect and the Authority shall proceed immediately to dispose of all the property which it may have acquired. Upon such termination, if the expenses and liabilities of the Association exceed the proceeds received from such sale, the last two remaining municipalities shall share the deficit on a per capita basis. If upon such termination the assets of the Association exceed its liabilities, the net proceeds from the sale thereof shall be divided between these two municipalities on the same per capita basis. Anyone who ceases to participate in the Authority shall be responsible for their share of closure costs.

**SECTION 20.10. PROVISIONS SEVERABLE.** If any provisions of this ordinance shall be held to be invalid, such invalidity shall not affect the other provisions hereof which can be given effect without the invalid provisions and, to that end, the provision of this ordinance are declared to be severable.

**SECTION 20.11. REPEAL.** All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 20.12.** This ordinance shall take effect and be in force from and after its passage and publication by all participating municipalities.

(Adopted 3/227/90)

(Amended 2/24/98)

## **CHARTER AMENDMENTS**

City Charter revised and amended November 2, 1993.

## **GRANT OF CABLE TV FRANCHISE**

Ordinance No. 95, adopted December 8, 1964, grants television signal service and distribution system franchise to person or company awarded franchise for a period of ten (10) years.

Ordinance No. 95-A, adopted March 15, 1966, amends Ordinance No. 95, Section 21 entitled "Application and License Fee".

Ordinance No. 95-B, adopted June 20, 1967, amends Ordinance No. 95, Section 1 entitled "Grant of Authority", and Ordinance No. 95-A, Section 21 entitled "Application and License Fee".