

ORDINANCE NO. 2021-003

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER I OF THE CITY CODE OF THE CITY OF KILLDEER RELATING TO GOVERNMENT ORGANIZATION.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KILLDEER, NORTH DAKOTA, AS FOLLOWS:

Section 1: CHAPTER 1 entitled "GOVERNMENT ORGANIZATION" is hereby amended and re-enacted as follows:

1.0101 OVER PERSONS AND PROPERTY

The jurisdiction of the city of Killdeer, North Dakota, extends to all persons, places and property within its boundaries, and such extra-territorial jurisdiction as is granted to it under the provisions of the North Dakota Century Code and amendments thereto.

ARTICLE II
GOVERNING BODY
BOARD OF CITY COMMISSIONERS

1.0201 REGULAR MEETINGS

The Board of City Commissioners shall meet regularly at the City Hall on the first and third Monday of each month in accordance with Section 40-09-11 of the North Dakota Century Code. The meetings will take place at 5:00 p.m., unless the Board shall specifically fix some other time or place.

Ordinance No. 1.0201. 11/19/2001.

1.0202 SPECIAL MEETINGS

Special meetings may be called at any time by the President or any two members of the governing body to consider matters mentioned in the call of such meeting. Oral notice of any special meeting shall be given to each member of the governing body at least three (3) hours before the time of the meeting.

Ordinance No. 1.0202. 12/20/2004.

1.0203 SALARIES

The salaries of the members of the governing body of the City of Killdeer, including the President of the governing body, shall be paid the sum of \$300.00 per month plus \$50.00 for each regularly scheduled city commission meeting they attend. The President of the governing body shall be paid the sum of \$400.00 per month plus \$50.00 for each regularly scheduled city commission meeting they attend. There will be three excused/paid absences allowed per year. The governing body, including the President shall be compensated \$50.00 per special meeting called to order outside the regularly

scheduled meetings. All special meetings held in conjunction with a regularly scheduled meeting will not be subject to compensation.

Ordinance No. 1.0203. 5/15/1999; Ordinance No. 1.0203. 10/5/2015.

1.203.1 PER DIEM

City Commissioners will be paid \$100 per day or \$50 for 1/2 day, when they are representing the City of Killdeer at meetings or events. Four hours or less is considered 1/2 day. Commissioners will be compensated for meals at the state rate, if the meals are not included in the meeting or event. Ordinance No. 1.0203.1. 3/1/1999; Ordinance No. 2021-003

1.204 RULES AND ORDER OF BUSINESS

The rules and order of business for the parliamentary government of the governing body shall be governed by Robert's Rules of Order.

ARTICLE III SPECIAL ELECTIONS

1.0301 SPECIAL ELECTIONS, HOW CALLED

Special elections shall be called by the Commission President at the direction of the city Commission. Twenty days' notice, specifying in such notice the time fixed for said election and the purpose thereof shall be given by posting such notice in five public places within the city.

1.0302 MANNER OF CONDUCTING SPECIAL ELECTIONS

All special elections shall be held under the Australian ballot system, at the same places, during the same hours. shall be in charge of the same election officials, and generally in the same manner, as near as may be, as general city elections, except as may herein be otherwise provided.

1.0303 BALLOTS, PETITIONS

The ballots containing the names of candidates and the propositions to be voted upon, shall be arranged in the same general form as near as may be as ballots for general village elections; shall be printed under the direction of the city auditor, and shall be distributed by him/her to the several inspectors prior to the opening of the polls. The names of candidates shall be placed on such ballots, as provided by law governing general elections. All such certificates of nomination and petitions shall be filed with the city auditor not less than twenty days before such election.

1.0304 CANVASSING OF VOTES

The vote at such special elections shall be canvassed and the result announced by the city commission at its next regular meeting after such election, or at a special meeting called for that purpose.

ARTICLE IV
ELECTIVE OFFICERS OTHER THAN
GOVERNING BODY

1.0406 TRANSFER OF CASES TO DISTRICT COURT

The City of Killdeer hereby transfers all municipal ordinance cases to District Court, pursuant to NDCC 40-18-06.2, and pursuant to agreement of the Killdeer Board of City Commissioners, the Dunn County Board of Commissioners, the presiding judge of the District and the State Court administrator.

Ordinance No. 1.0406. 3/4/1996.

ARTICLE V
APPOINTIVE OFFICES AND HIRED POSITIONS

1.0501 APPOINTIVE OFFICES AND HIRED POSITIONS

At the first meeting after the qualifications of its members, or as soon thereafter as possible, the governing body shall appoint persons to the following offices: city attorney, city assessor and such other officers or boards as the city commission may deem necessary. The positions of city auditor, chief of police and city water superintendent will be hired positions. These persons will be hired as employees and will not be subject to term restrictions.

1.0502 TERM OF APPOINTIVE OFFICERS, OATH, BOND

The term of all appointive officers shall begin on May 1st after the regular election of city commissioners and shall continue for a term of two (2) years until their successors have been appointed and qualified. Any person appointed to fill a vacancy shall hold his/her office for the unexpired term unless appointed as an "acting" officer. An "acting officer" shall serve at the pleasure of the governing body. Before entering upon the duties of their office, appointed officers shall take oath and give the bonds required by Section 1.0504.

1.0503 REMOVAL

Appointive officers may be removed, and any vacancy may be filled in the manner provided by law. "Acting officers" may be removed at any time by the governing body.

1.0504 BONDS OF MUNICIPAL OFFICERS AND EMPLOYEES

The following officers and employees of the city of Killdeer shall be bonded in the sums as hereinafter set forth:

City Auditor: \$2,000,000.00

1.0505 SALARIES

The salary of city officials and appointive officers, except as otherwise provided by law, shall be in such sums and amounts as may be, by resolution of the governing body, fixed from time to time.

1.0506 ADMINISTRATIVE POLICY AND PROCEDURES

PERFORM DUTIES. Each officer shall:

- 1 Perform all duties required of his/her office by law or ordinance and such other duties not in conflict as may be required by the governing body.
- 2 Be immediately responsible to the governing body for the effective administration of their departments and all activities assigned thereto.
- 3 Keep informed as to the latest practices in their particular field and shall inaugurate with approval of the governing body such new practices as appear to be of benefit to the service and to the public.
- 4 Submit such reports of activities of his/her department as the governing board may request.
- 5 Be responsible for the proper maintenance of all city property and equipment used in his/her department.
- 6 Establish and maintain records in sufficient detail to furnish all information needed for proper control of department activities and to form a basis for reports to the governing board.
- 7 Cooperate with other officers, departments and employees.
- 8 Have power to direct and supervise all subordinates under him/her.

1.0507 OBSTRUCTING A PUBLIC OFFICIAL PROHIBITED

Every person who willfully delays or obstructs a public officer in the discharge or attempt to discharge any duty of his/her office shall upon conviction thereof, be punished as herein provided.

ARTICLE VI.
PURCHASING AND DISPOSITION OF PROPERTY

1.0601 COMPETITIVE BIDDING REQUIRED

All purchases of, and contracts for supplies and contractual service, and all sales of property which has become obsolete or unusable shall, except as otherwise provided herein, be based whenever possible on competitive bids.

1.0602 PROCEDURE FOR SUPPLIES AND CONTRACTUAL SERVICES

All supplies and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed Fifty Thousand dollars (\$50,000.00) shall be purchased from the lowest responsible bidder after due notice inviting proposals. All sales or disposition of obsolete or unusable property when the estimated value shall exceed twenty thousand dollars (\$20,000.00) shall be sold to the highest responsible bidder. The lowest responsible bidder, or the highest responsible bidder shall be the bidder who in addition to price has the best

ability, capacity and skill to perform the contract or provide the service required, promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgement, experience and efficiency of the bidder, the quality of performance of previous contracts, sufficiency of financial resources, and previous and existing compliance with state laws and city ordinances.

Ordinance No. 2019-005. 12/2/2019

1.0603 OPEN MARKET PURCHASES

All purchases and contractual services of an estimated value of less than \$50,000.00, and all sales of property which has become obsolete or unusable that are estimated not to exceed \$20,000.00, or all supplies and services of non-competitive type or kind, or purchases and sales between governmental bodies, or when in the opinion of the Board of City Commissioners and apparent emergency requires immediate purchase of supplies or contractual service, shall be made or obtained in the open market without competitive bidding.

1.0605(A) CONVEYANCE, SALE LEASE OR DISPOSAL OF REAL PROPERTY

Real property belonging to the municipality shall be conveyed, sold, leased, or disposed of only as approved by a two-thirds vote of all members of the governing body. Instruments effecting such conveyance, sale, lease, or disposal shall be valid only when duly executed by the mayor (or president of the Board of City Commissioners) and attested by the city auditor. It shall be at the discretion of the governing body as to whether or not there shall be advertisement for bids for such conveyance, sale, lease or disposal; whether or not advertisement shall be made in other states of the fact that certain real property is available for such disposition; and whether or not sale shall be made at public auction; such decision by the governing body to be made by majority vote of the members present. Bids for the purchase or lease of real property belonging to the municipality, whether or not advertisement therefore has been made, shall be directed to the governing body and submitted to the city auditor, who shall present any and all such bids to the governing body at its next regularly scheduled meeting.

1.0605(B) RELATING TO THE SALE OF RECAPTURED LOTS

A lot located within the City which is obtained by the City because of delinquent taxes and/or special assessments may not be resold to such delinquent previous owner until after the taxes and/or special assessments then due have been paid to the City by the delinquent previous owner. If the delinquent taxes and/or special assessments are not paid by the delinquent previous owner, the City may refuse to sell to the delinquent previous owner and may sell, convey, dispose of, or lease the City lot as provided by State Law.

1.0605(C). TAXES AND/OR SPECIAL ASSESSMENT PAYMENT STATUS

A purchaser of a property obtained from the City must at all times within the three (3) year period following the purchase maintain current on the payment of taxes and/or special assessments for the property purchased. Any delinquent account of taxes and/or special assessments

within the three (3) years following purchase shall be forfeited to the City pursuant to the tax title repossession process.

Ordinance 1.0605. 10/22/2012; Ordinance 2019-003. 8/19/2019.

1.0606 PROHIBITION OF INTEREST

Whenever supplies or services are purchased in the open market or property disposed of in the open market without competitive bidding, the supplier, or purchaser shall execute and file with the city auditor and affidavit reading as follows:

AFFIDAVIT BY CONTRACTOR

STATE OF _____)
COUNTY OF _____)

being first duly sworn under oath, says he/she is _____ of _____, who has or herewith submits a proposal to the city of Killdeer, North Dakota to contract, and:

1. That such proposal was not made in the interest of or on the behalf of any undisclosed person, partnership, company, association, organization or corporation.

2. That no city officer, public officer or employee is interested, directly or indirectly, in such proposal or contract resulting from its acceptance by the city, except for lawful compensation and necessary expenses in the performance of official duties.

3. That no city officer, public officer or employee has received or will be offered, given or paid any consideration, commission, or gratuity by the contractor, its agents, servants or employees.

4. That the contractor has not, directly or indirectly, colluded, conspired, connived or agreed with anyone to obtain the proposal contract work without open bidding therefore nor by inducing anyone to refrain from bidding or making a proposal therefore.

5. That affiant has not received from any city officer, public officer or employee any special information or data relative to the proposed contract which is not or has not been available to any other person nor has he/she received any special aid or assistance from any city officer, public officer or employee in preparing his/her proposal to the city.

(Affiant)

Subscribed and sworn to before me this ___ day of _____

(Notary Public)

1.0607(A) TIME PERIOD IN WHICH A STRUCTURE SHALL BE ERECTED ON A CITY LOT PURCHASED FROM THE CITY OF KILLDEER

If a purchaser owns contiguous property to the lot(s) for sale, then this Section shall have no effect as to that purchaser. However, if a purchaser owns no contiguous property contiguous to the lots for sale, then the purchase shall

be made pursuant to a Contract for Deed, the terms of which shall require that within three (3) years of the execution of said Contract for Deed, that a structure sufficient under the Killdeer City Zoning Ordinance and Building Code shall be erected and completed on such City lot. If no suitable structure is constructed within this three (3) year period, the purchaser shall be in default of the Contract, and the City shall cancel the contract, and retain any payments made thereunder as liquidated damages. In addition, notice of the Contract for Deed shall be filed with the County Recorder, with direction that property tax statements should be forwarded to the address of the purchaser. The purchaser shall be responsible for payment of all real estate taxes during the term of the Contract for Deed. Regardless of whether a purchaser owns contiguous property or not, said purchaser must identify the proposed utility of the property to the governing body prior to purchase.

Ordinance No. 1.0605. 8/4/2009

Section 2: Repeal of Ordinances in Effect. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Ordinance shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.



By: Charles Muscha
Commission President, City of Killdeer

ATTEST:



Matt Oase, City Auditor

First Reading: August 16th, 2021
Second Reading: September 7th, 2021
Final Reading: September 7th, 2021

