

# ORDINANCE NUMBER 71

## CITY OF TOWER, MINNESOTA

An ordinance providing for the creation of the Vermilion Landfill Authority by the Cities of Ely, Tower, Babbitt, and Winton: The Towns of Kugler, Morse, Wassa, Embarrass, Breitung, and Vermilion Lake: and by the County of Saint Louis on behalf of itself, and insofar as it can, on behalf of the following unorganized townships: 61-12, 61-13, 61-14, 62-16, 63-14, 63-15, 63-16, 64-12, 64-13, 64-14, 64-15, 64-16, 65-12, 65-13, and 66-12.

The City Councils of Ely, Tower, Babbitt, and Winton: The Boards of Supervisors for the Towns of Kugler, Morse, Waasa, Embarrass, Breitung, and Vermilion Lake: and the County of Saint Louis, on behalf of itself and the following unorganized townships: 61-12, 61-13, 61-14, 62-16, 63-14, 62-16, 63-14, 63-15, 63-16, 64-12, 64-13, 64-14, 64-15, 64-16, 65-12, 65-13, and 66-12, ordain as follows:

Section 1. VERMILION LANDFILL AUTHORITY. There is hereby created, pursuant to the provisions of Minnesota Statutes, Section 471.59 and Acts amendatory thereof, a joint solid waste management disposal authority to be known as the Vermilion Landfill 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, except that two members representing the unorganized townships shall be appointed by a majority vote of the Saint Louis County Board of Commissioners. The members of the Authority will serve until their successors are duly appointed and qualified.

Section 2. TERMS OF OFFICE. The members of the first Authority shall be appointed by the governing body of each municipality (with members of the unorganized townships being appointed by the Saint Louis County Board of Commissioners) for a term expiring as that municipality (or in the case of the unorganized townships, the Saint Louis County of Board of Commissioners) shall so direct. Each community, wherein a vacancy exists, shall appoint one member to fill such vacancy. 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 of his municipality.

Section 3. OFFICERS. The Joint Authority shall elect one of its members to be the 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 4. DUTIES AND POWERS. The Authority shall have full authority and responsibility for the establishment, maintenance, and regulation of the Vermilion Landfill 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 solid waste management disposal system. Without limiting its general powers vested in it by law, the Authority 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 solid waste management disposal system;

- B. To gather information on the problem of collection and disposal of garbage and refuse 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 propose solutions therefor;
- 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 solid waste management disposal system as it shall, in its discretion, deem necessary and advisable, and to establish a penalty for violation thereof.

Section 5. CONTRIBUTIONS TO CAPITAL AND OPERATION COST. Costs incurred in the establishment, operation, and maintenance of said disposal system shall be received from the participating municipalities and other interested organizations or people in the area on the basis of voluntary contributions. While it is anticipated that the County of Saint Louis will levy the necessary funds against the whole district and deliver same to the Authority for expenditure, nonetheless, all the municipalities recognize that until such time as a levy has been presented by the Authority and the funds collected, there will be from a six month to a one year lag. It is further understood and agreed that there will be no assessments made against the municipalities belonging to this Authority and that all expenses, until such time as Saint Louis County levies for the cost of this operation, shall come from gifts, grants, or donations.

Section 6. BUDGET. On or before October 1<sup>st</sup> of each year, the Authority shall prepare a budget for financing the operations of the Authority for the ensuing fiscal year. A copy of the budget shall, not later than October 1<sup>st</sup>, 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 funds to the credit of the Authority with which to pay the same.

It is anticipated that after the first fiscal year the necessary funding will be available from the County of Saint Louis with the Authority responsible for the County contract with Northwoods Services, Inc. and also responsible for any other landfills which is it shall authorize and for which it will be responsible. It is not anticipated that any further funds, after the first fiscal year of operation, will be requested from the participating municipalities, though if such funds become necessary, it will be up to the decision of each of the respective governing bodies as to what funds it shall contribute.

Section 7. FINANCES. All receipts of money shall be deposited in the bank or banks selected by the Authority and credited to the account of the Vermilion Landfill 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 participating municipalities. Any 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 8. REPORTS. The Authority, as soon as possible at the end of each fiscal year, shall prepare and present to each municipal board a comprehensive report of its activities and finances. The Authority shall also prepare and file with federal and state officials such reports as may be required by law, regulation or contract.

Section 9. TERMINATION. The Authority may be terminated at any time by a majority vote of the Saint Louis County Board of Commissioners.

Section 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 provisions of this ordinance are declared to be severable.

Section 11. REPEAL. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 12. This ordinance shall take effect and be in force from and after its approval by the County Board of Commissioners of Saint Louis County.

Commissioner Hall moved the adoption of this ordinance and it was declared adopted upon the following vote:

Yeas: Commissioners Anderson, Dodge, Hall, and Chairman Shannon.

Nays: None

Absent: Commissioners Donaghy, Hoff, and Barrett.

Attest: \_\_\_\_\_

Clerk of County Board

\_\_\_\_\_ A. Shannon, Chairman of County Board

Passed and approved by the Saint Louis County Board on March 13, 1975.

Saint Louis County Ordinance Number 19.

Ratified and approved by the Tower City Council this 15<sup>th</sup> day of April 1975.

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Wallace Heikkinen, Clerk

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K M Miller, Mayor