



**LE SUEUR CHARTER COMMISSION  
AGENDA**

**Monday, April 18, 2016**  
**203 South Second Street**  
**6:00 P.M.**

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes
4. Discuss Amendments to the City Charter
5. Next Scheduled Meeting Date – May 16
6. Adjourn



**LE SUEUR CHARTER COMMISSION  
MEETING MINUTES  
Monday, February 29, 2016  
203 South Second Street  
6:00 P.M.**

A meeting of the Charter Commission was held on Monday, February 29, 2016 at 6:00 p.m. in the Council Chambers with the following attendees: Darvin Wicks, Benjamin Rohloff, Dave Johnson, Jeff Kerkow, Jack King, Judith Jones, Kevin Wilke, Ruth Vortherms, John Favolise, Marilyn Wells, Michelle Steiger. Staff: Jenelle Teppen, City Administrator, Amber Eisenschenk, League of Minnesota Cities Attorney. Absent; Mark Huntington, Pat Barry, Bob Oberle, Bob Broeder.

Vice Chair Kerkow called the meeting to order at 6:01 pm.

A motion by Wicks, seconded by King to approve the agenda. Voting in favor: All. Voting against: None. Motion carried.

A motion by Vortherms, seconded by Wilke to approve the minutes from the previous meeting of December 21, 2015. Voting in favor: All. Voting against: None. Motion carried.

Amber Eisenschenk gave a presentation on advantages and disadvantages of a home rule charter and then presented a memorandum in which she reviewed the charter and made suggestions/recommendations for revision.

Next meeting is Monday, March 21, 2016

A motion by Vortherms, seconded by Rohloff to adjourn at 7:25 pm. Voting in favor: All. Voting no: None. Motion carried.

Respectfully submitted,  
Jenelle Teppen



CITY OF LE SUEUR  
MEMORANDUM

TO: Charter Commission

FROM: Jenelle Teppen, City Administrator

SUBJECT: Consider Proposed Amendments to City Charter

DATE: For the Charter Commission meeting of Monday, April 18, 2016

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Following the review of the City Charter by the League of Minnesota Cities attorney and the presentation and subsequent discussion by the Commission, the following table indicates each Chapter/Section and the suggested amendment.

Chapter 1

1.02 Name Boundaries	<ul style="list-style-type: none"> <li>Amend to reflect accurate boundaries or to say existing now or as may be changed in the future.</li> </ul>
1.04 All Powers Clause	<ul style="list-style-type: none"> <li>Consider simplified form of current language</li> </ul>

Chapter 2

2.01 Form of Government	<ul style="list-style-type: none"> <li>Amend to Weak Mayor- Council Plan</li> <li>Further discussion on form of gov't</li> </ul>
2.03 Elective Officers	<ul style="list-style-type: none"> <li>1994 Resolution</li> </ul>
2.09 Wards	<ul style="list-style-type: none"> <li>Current language does not conform to state law on when boundaries are determined</li> <li>Further discussion on # of Council members and Wards</li> </ul>

Chapter 3

3.01 Assume duties of office	<ul style="list-style-type: none"> <li>Mirror state law by changing to "On First Monday in January" not first business day in January</li> <li>Open Meeting Law requires different notice requirements. "Change to notice to each member as required by state law."</li> </ul>
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3.04 Ordinances Resolutions, Motions	<ul style="list-style-type: none"> <li>Amend last sentence to add, “or unless state law requires a larger majority”</li> </ul>
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Chapter 4

4.03 Nominations and Elections	<ul style="list-style-type: none"> <li>Timelines in conflict with state law. Amend language so filing period is in conformance with state law.</li> <li>Added timeline clarification for City Clerk’s review of petition</li> </ul>
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Chapter 5

5.02 Expenditures by Petition	<ul style="list-style-type: none"> <li>Typo</li> </ul>
5.06 Filing of Petition	<ul style="list-style-type: none"> <li>Amend language giving clerk more time to review a petition – minimum five business days</li> </ul>
5.07 Action of Council on Petition and 5.16 and Recall Election	<ul style="list-style-type: none"> <li>If Commission wishes to simplify Charter could omit timeline and refer to state law</li> </ul>

Chapter 7

Section 7.05 Preparation of Annual Budget	<ul style="list-style-type: none"> <li>Six Copies required</li> </ul>
Section 7.06 Passage of the Budget	<ul style="list-style-type: none"> <li>Timelines no longer in accordance with state law</li> </ul>
Section 7.07 Enforcement of the Budget	<ul style="list-style-type: none"> <li>Last sentence contrary to law</li> </ul>
Section 7.14 Tax Anticipation Certificate	<ul style="list-style-type: none"> <li>Repayment deadline in conflict with state law</li> </ul>

Chapter 12 Miscellaneous

Section 12.05 Sales of Real Property	<ul style="list-style-type: none"> <li>Standards are voluntary and not required by state law. Could eliminate if desired.</li> </ul>
Section 12.06 Vacation of Streets	<ul style="list-style-type: none"> <li>Charter requires it be done by ordinance while state law only requires a resolution. Could amend if desired, or eliminate and state law would apply.</li> </ul>

I have provided the current Charter language with the amendments in the following. There are also three attachments to this memorandum:

*Attachment #1 is a copy of MN State Statute 410.05 which outlines the requirements for adjusting the number of Charter Commission members.*

*Attachment #2 is a copy of an Ordinance from 1971 that establishes the position of City Administrator and sets forth powers and duties of that position.*

*Attachment #3 is a copy of a Resolution from 1994 in which elections were moved to even years.*

None of the general editing notes indicated in the attorney's memorandum have been made as yet unless they are indicated in the following text.

## **CHAPTER 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS**

### **SEC. 1.02 CITY BOUNDARIES; JURISDICTION BEYOND CITY FOR CERTAIN PURPOSES.**

~~The boundaries of said city as of the date of this charter shall be as described in Appendix A. The jurisdiction of said city shall extend ten (10) rods across said Minnesota river, and all city ordinances and police regulations of said city for the detection and punishment of crimes and misdemeanors and for the preservation of health, peace and good order of the said city shall have like effect, and be enforced in the same manner, on and over the same as within the aforesaid limits of said city.~~

Editor's note:

Appendix A, being several pages of metes and bounds description, is omitted from this volume, but is on file with the original Charter in the office of the City Clerk.

The City of Le Sueur, is a municipal corporation in Le Sueur County, Minnesota. It has the boundaries existing now or as may be changed in the future.

### **SEC. 1.04 POWERS OF THE CITY.**

~~The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the Constitutions of this state and of the United States. It is the intention of this Charter that every power which the people of the City of Le Sueur might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.~~

The city has all powers that may be possible now or in the future for a Minnesota municipal corporation to exercise. This section grants to the city every power that the citizens could lawfully give to themselves as a municipal corporation, including the power to preserve, protect and promote that health, safety, and general welfare of the city. The specific mention of particular powers in this charter does not limit the general powers conferred by this section. The city may exercise a power given to statutory cities unless that power is specifically prohibited by this charter.

## **CHAPTER 2. FORM OF GOVERNMENT**

### **SEC. 2.01 FORM OF GOVERNMENT.**

The form of government established by this Charter is the "Weak Mayor-Council Plan." The council shall exercise the legislative power of the city and determine all matters of policy.

### **SEC. 2.03 ELECTIVE OFFICERS.**

The council shall be composed of six council members ~~men~~ and a mayor, all of whom shall be qualified electors. The council members ~~men~~ shall be elected by ward and the mayor at large.

The council may by ordinance increase the number of council ~~members~~ ~~men~~ and in the event there is more than one ward, each ward shall have equal representation. Each council member ~~man~~ and the mayor shall serve for a period of four ~~three~~ years and until their ~~his~~ successor is elected and qualifies.

#### SEC. 2.09 WARDS.

~~The city shall be divided into two wards, boundaries shall be as heretofore existing. The council shall have the power to change ward boundaries and increase or reduce the number of wards in the city. No change, increase, or reduction shall be made within three (3) months prior to any election held in the city government offices. Within six (6) months following the official certification of the decennial census of the United States and the filing of the census list with the city, the council shall, by ordinance, re-determine ward boundaries so as to make said wards as nearly equal in population as practicable.~~

The city shall be divided into two wards, boundaries shall be heretofore existing. The council shall establish ward boundaries and increase or reduce the number of wards in the city by ordinance. A ward is composed of compact and contiguous territory. The population of the wards must be as equal as practical; the equal number is determined by dividing the city population by the number of wards. The difference between the ward with the lowest population and the ward with the highest population can be no greater than ten percent of the equal number. If a federal census shows that a ward no longer meets this requirement, the council must change the ward boundaries to achieve compliance within the time period required by state law. If a ward boundary change places a council member's residence in a different ward, the council member will continue in office until the next general municipal election, at which time the office must be filled for the remainder of that term.

### CHAPTER 3. PROCEDURE OF COUNCIL

#### SEC. 3.01 COUNCIL MEETINGS; WHEN NEWLY ELECTED MEMBERS ASSUME DUTIES OF OFFICE.

On the first ~~business day~~ Monday of January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such time, each month as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council upon notice to each member of the council as required by state law, ~~at least twelve hours' notice to each member of the council. Such notice shall be delivered personally or shall be left at his usual place of residence with some responsible person.~~ All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

#### SEC. 3.04 ORDINANCES, RESOLUTIONS AND MOTIONS.

Except as in this Charter otherwise provided, all legislation shall be by ordinance. The yes and no vote on ordinances, resolutions, and motions shall be recorded. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter or as required by state law.

### SEC. 3.07 PROCEDURE ON RESOLUTIONS.

Every resolution shall be approved by a majority of all the members of the council before it shall take effect unless state law requires a larger majority.

## CHAPTER 4. NOMINATIONS AND ELECTIONS

### SEC. 4.03 NOMINATIONS BY PETITION.

All elective officers provided for by this Charter shall be nominated by petition. The name of any elector of the city shall be printed on the ballot as a candidate for an office whenever a petition signed by at least twenty-five (25) eligible voters of the city has been filed with the city clerk on the elector's behalf during the candidate filing period as determined by state law. ~~The name of any elector of the city shall be printed on the ballot as a candidate for an office whenever a petition signed by at least twenty five (25) eligible voters has been filed with the city clerk in his behalf not more than six weeks or less than three (3) weeks before the election.~~ The city clerk shall immediately check this petition and if found to be insufficient it shall be returned to the circulator within two business days ~~twenty-four (24) hours~~ of receipt. No elector shall sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should that occur ~~he do so,~~ the ~~his~~ signature shall be void as to the petition or petitions last filed.

## CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

### SEC. 5.02 EXPENDITURES BY PETITIONERS.

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for ~~for~~ legal advice or from incurring expenses for stationery, copying, printing and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

### SEC. 5.06 FILING OF PETITIONS AND ACTION THEREON.

All the signature papers shall be filed in the office of the city clerk as one instrument on or before thirty days after the verified copy of the ordinance is filed as required by section 5.04 above. Within fifteen (15) ~~five~~ days after the filing of the petition the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least fifteen per cent of the total number of electors who cast their votes in the municipality at the last preceding presidential year general election. If the clerk ~~he~~ finds the petition insufficient or irregular, the clerk ~~he~~ shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for the ~~his~~ finding. The committee shall then be given fifteen (15) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the clerk shall file it in their ~~his~~ office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the ordinance to the electors at the next regular election at its option.

## SEC. 5.07 ACTION OF COUNCIL ON PETITION.

If the petition is found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than sixty-five (65) days after the date upon which it was submitted to the council by the city clerk. If the council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least twenty-five per cent (25%) of the total number of voters voting in the municipality at the last preceding presidential year general election, the council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) nor more than forty-five (45) days from date of final action on the ordinance by the council or after the expiration of sixty-five (65) days from the date of submission to the council when there has been no final action; but if a regular election is to occur within three months, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city clerk within ten (10) days of the passage thereof by the council, the ordinance need not be submitted to the electors.

## SEC. 5.16 RECALL ELECTION.

If the petition or amended petition is found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than thirty (30) nor more than forty-five (45) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

## **CHAPTER 7. TAXATION AND FINANCES**

### SEC. 7.05 PREPARATION OF THE ANNUAL BUDGET.

The council shall be responsible for the annual budget. The classification of accounts used in the budget must conform to the classification of accounts used in reporting the actual results. There shall be sufficient copies for each member of the council, for the city clerk, and at least one copy ~~six (6) copies~~ to be available for inspection by the public, at the city hall and the public library.

### SEC. 7.06 PASSAGE OF THE BUDGET.

The council must consider the budget in compliance with state law and must provide a reasonable opportunity for interested citizens to be heard. The adopted budget must show in detail the city's financial plan for the next fiscal year. It must show the amounts and sources of revenues and the amounts and purposes of expenditures. The total expenditures cannot exceed the total estimated revenues and allocated surplus. The budget must be adopted in compliance with state law. A majority of the council must adopt the budget by resolution and must by resolution levy taxes needed to fund budgeted expenditures. The city clerk will file the tax levy resolution with the

county auditor within the required time period.

~~The budget shall be the principal item of business at the first regular monthly meeting of the council in September and the council shall hold adjourned meetings from time to time until all the budget estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full and the various items explained as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed by a majority of the full council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to section 7.05. The council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council deems necessary for purpose of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the county auditor in accordance with law not later than October 10. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.~~

Statutory reference: See M.S.A. § 275.07

#### SEC. 7.07 ENFORCEMENT OF THE BUDGET.

It shall be the duty of the city council to enforce strictly the provisions of the budget. They shall not approve any order upon the city for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. ~~Any obligation incurred by any person in the employ of the city for any purpose not authorized in the department budget resolution shall be a personal obligation upon the person incurring the expenditure.~~

#### SEC. 7.14 TAX ANTICIPATION CERTIFICATE.

At any time after January 1 following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed seventy percent (70%) of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine, and shall become due and payable not later than April 1<sup>st</sup> of the year following issuance. ~~one year following the date of issuance.~~ The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

### CHAPTER 12. MISCELLANEOUS AND TRANSITORY PROVISIONS

#### SEC. 12.05 SALES OF REAL PROPERTY.

No real property of the city shall be disposed of except by general ordinance. The city clerk shall

give notice by publication for two (2) consecutive weeks that the proposed sale will be considered by the council at a public hearing at a time and place designated therein. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose, if there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

#### SEC. 12.06 VACATION OF STREETS.

The council may by ordinance approved by a majority of the full council vacate any street or alley or part thereof within the city. Such vacation may be made only after the city clerk has given notice by publication for two consecutive weeks that the proposed vacation will be considered by the council at a public hearing at a time and place designated therein. A duly certified transcript of such ordinance shall be filed with the appropriate recording officer of the county in which said lands lie.

#### RECOMMENDATION

Staff recommends the Charter Commission discuss the proposed amendments.

Cc; Todd Coryell, City Attorney

**410.02** [Repealed, 1949 c 114 s 1]

**410.03 EXISTING CHARTERS PRESERVED.**

Until otherwise provided in accordance with this chapter, all cities existing at the time of the taking effect of the Revised Laws 1905 shall continue to be governed by the laws then applicable thereto.

*History: (1267) RL s 747*

**410.04 HOME RULE CHARTERS; PATROL LIMITS.**

Any city in the state may frame a city charter for its own government in the manner hereinafter prescribed; provided, that in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority.

*History: (1268) RL s 748; 1907 c 375 s 1; 1973 c 123 art 5 s 7*

**410.05 CHARTER COMMISSION.**

**Subdivision 1. Appointment.** When the district court of the judicial district in which a city is situated, deems it for the best interest of the city so to do, the court, acting through its chief judge, may appoint a charter commission to frame and amend a charter. Upon presentation of a petition requesting such action, signed by at least ten percent of the number of voters of the city, as shown by the returns of the last regular city election, or upon resolution of the governing body of the city requesting such action, the court shall appoint a charter commission. The commission shall be composed of not less than seven nor more than 15 members, each of whom shall be a qualified voter of the city. The size of the commission shall be determined within the above limits by the court, except that where the commission is appointed pursuant to a petition of the voters or resolution of the governing body of the city, the size of the commission shall be as specified in such petition or resolution. Any city may by charter provision fix the size of the charter commission at a figure which shall not be less than seven nor more than 15 members, and such charter provision shall prevail over any inconsistent provisions of this subdivision. Except as otherwise provided in the charter, no person shall be disqualified from serving on a charter commission by reason of holding any other elective or appointive office other than judicial. The charter may provide that members of the governing body of the city cannot serve on the charter commission.

**Subd. 2. Commission members; terms, vacancies.** Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two-year terms and seven for four-year terms. Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the court administrator of the district court. An appointee who neglects to file with the court administrator within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned. The charter commission, within 30 days after the initial appointment of the commission, shall make rules, including quorum requirements, with reference to its operations and procedures. The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The commission shall forward a copy of the report to the clerk of the city. Any

member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby.

**Subd. 3. Commission appointments; nominees.** A city council, a charter commission, or the petitioners requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the district court may consider in making appointments to the charter commission.

**Subd. 4. Commission meetings.** The charter commission shall meet at least once during each calendar year, and upon presentation of a petition signed by at least ten percent of the number of voters of the municipality, as shown by the returns of the last annual municipal election, or upon resolution approved by a majority of the governing body of the city requesting the commission to convene, the commission shall meet to consider the proposals set forth in such petition or resolution.

**Subd. 5. Discharge.** (a) A charter commission in a statutory city may be discharged as follows:

(1) if the charter commission of a statutory city determines that a charter is not necessary or desirable, the commission may be discharged by a vote of three-fourths of its members; or

(2) if a petition signed by registered voters equal in number to at least five percent of the registered voters in the city requesting a referendum to discharge the charter commission is filed with the city clerk, an election must be held on the issue at a general election or a special election pursuant to section 205.10. If a majority of the votes cast support the referendum, the charter commission shall be discharged.

(b) Another commission may not be formed sooner than one year from the date of discharge.

*History: (1269) RL s 749; 1909 c 423; 1913 c 535 s 1; 1949 c 210 s 1; 1959 c 305 s 5; 1961 c 608 s 1; Ex1967 c 33 s 1; 1971 c 208 s 1-3; 1973 c 123 art 5 s 7; 1976 c 44 s 20; 1979 c 330 s 3; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 51 s 1; 2004 c 197 s 1,2; 2008 c 331 s 6*

#### **410.06 COMPENSATION; EXPENSES.**

The members of such commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing such charter, and any amendment or revision thereof, and the reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the commission, shall be paid by such city. The amount of reasonable and necessary charter commission expenses that shall be so paid by the city shall not exceed in any one year the sum of \$10,000 for a first class city and \$1,500 for any other city; but the council may authorize such additional charter commission expenses as it deems necessary. Other statutory and charter provisions requiring budgeting of, or limiting, expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay such expenses.

*History: (1270) RL s 750; 1907 c 216 s 1; 1947 c 406 s 1; 1959 c 305 s 5; 1961 c 608 s 2; 1973 c 123 art 5 s 7; 1994 c 505 art 3 s 8*

#### **410.07 DETERMINATION OF DESIRABILITY; FRAMING CHARTER.**

As soon as practicable after such appointment, the charter commission shall deliver to the clerk of the city either (1) its report determining that a home rule charter for the city is not necessary or desirable, or (2) the draft of a proposed charter, in either case signed by at least a majority of its members. Such draft

ORDINANCE NO. 311

ORDINANCE ESTABLISHING THE POSITION OF CITY ADMINISTRATOR OF THE CITY OF LE SUEUR  
PROVIDING FOR THE APPOINTMENT THEREOF AND SPECIFYING HIS POWERS AND DUTIES,

The City of Le Sueur does Ordain as follows:

Section 1. THE CITY ADMINISTRATOR. The City Administrator shall be the chief administrative officer of the City, although the Council shall retain ultimate responsibility for the administration of the City's affairs. He shall be chosen by the Council solely on the basis of his training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the City of Le Sueur or State of Minnesota, but the person chosen shall be a citizen of the United States. The City Administrator shall be appointed for an indefinite period, and he shall be removable by the Common Council at any time. If removed at any time after one (1) year of service, he may, within ten (10) days after being notified of his discharge, demand written charges and a public hearing of the same before the Council prior to the date on which his final removal shall take effect, but pending and during such hearing the Council may suspend him from office with pay until the date of hearing. During the suspension, absence, or disability of the City Administrator, the duties of his office shall be performed by some properly qualified person designated by the Council.

Section 2. POWERS AND DUTIES OF THE CITY ADMINISTRATOR. Subject to the provisions of the Charter of the City of Le Sueur and any regulations consistent therewith which may be adopted by the Council, the City Administrator shall control and direct the administration of the City's affairs. His powers and duties as City Administrator shall be:

- a. To see that the Charter of the City of Le Sueur and the laws, ordinances, and resolutions of the City are enforced;
- b. To exercise control and have jurisdiction over all departments and divisions of the City Administration created by the Charter of the City of Le Sueur or which have been or may hereafter be created by the Council;
- c. To supervise and administer all departments and divisions within his jurisdiction by this Ordinance, or by subsequent resolution of the Common Council; to recommend to the Council persons to be appointed as heads of all such departments and divisions, as employees in said departments and divisions and as subordinate officers, and to suspend such subordinate officers, department and division heads and employees, upon recommendation of their department or division head, pending review and final determination of the Council.

d. To attend all official meetings of the Council, with the right to take part in discussion but having no vote; but the Council may at its discretion exclude him from meetings at which his removal is considered;

e. To recommend to the Council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the City's affairs;

f. To keep the Council fully advised as to the financial condition and needs of the City, and to prepare and to submit to the Council within sixty (60) days prior to call by the County Auditor all annual City budgets which shall include statements relating to projected revenue and proposed sources, and all proposed expenditures to be made and obligations to be incurred, by the City in the forthcoming fiscal year; to prepare and to submit to the Council for adoption an administrative code incorporating the details of the administrative procedure, and from time to time suggest amendments to the same; and

g. To perform such other duties as may be prescribed by the Charter of the City of Le Sueur or required of him by ordinance or resolutions adopted by the Council and by the laws of the State of Minnesota.

Section 3. ADMINISTRATION. The City Administrator shall develop and issue all administrative rules, regulations and procedures necessary to insure the proper functioning of all departments and offices within his jurisdiction. Such rules, regulations and procedures shall be effective upon issuance and shall continue to be in effect until rescinded by the City Administrator or the express action of the Common Council.

Section 4. SUBORDINATE OFFICERS. There shall be a City Clerk and such other officers subordinate to the City Administrator as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Administrator and shall have such duties in connection with keeping public records, and the custody and disbursement of the public funds, and the general administration of the City's affairs as shall be ordered by the Council.

Section 5. PURCHASES AND CONTRACTS. The City Administrator shall act on behalf of the Common Council as the chief purchasing agent of the City. All purchases on behalf of the City shall be made, and all contracts let by the City Administrator

in accordance with Minnesota Statutes and the Le Sueur City Charter. Council approval must be given in advance whenever the amount of such purchase or contract exceeds Five Hundred and 00/100 Dollars (\$500.00). All contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City as well as by the City Administrator and shall be executed in the name of the City.

Section 6. DISBURSEMENTS - HOW MADE. No disbursement of City funds shall be made except by check signed by the City Clerk and Mayor in accordance with the provisions of Section 7.10 of the Charter of the City of Le Sueur. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time sheet approved and signed by the City Administrator who has vouched for its correctness and reasonableness. Whenever the amount of such check shall exceed Five Hundred and 00/100 Dollars (\$500.00) such voucher from the City Administrator shall be submitted to the Common Council for approval prior to the issuance of such check. Checks under Five Hundred and 00/100 Dollars (\$500.00) may be issued at the discretion of the City Administrator in accordance with this Section. During any time there is not a duly qualified and acting City Administrator, the Council may direct that claims may be approved and signed by the Department Head or other person designated by the Council. It shall be noted on each contract requiring the payment of money by the City the particular fund out of which it is to be paid. In the absence of any further regulation by the Council, the City Clerk may issue checks for such disbursements previously authorized by the Council upon the presentation of the itemized statement approved and signed by the City Administrator. Such payments may be made without further allowance of the Council provided that the signed and approved itemized statements are available for the inspection of the Council at its next regular meeting. When the City Administrator has any question about the validity of the claim, he may withhold payment until specific approval has been given by the Council.

Section 7. SIGNING CHECKS. The City Clerk and Mayor shall sign all checks. In the absence of one or both of the Mayor and City Clerk, the Council shall in its discretion direct that all checks be countersigned by some other person.

Section 8. BOARDS AND COMMISSIONS. The City Administrator shall be an ex-officio non-voting member of all boards and commissions and shall provide such services to such boards and commissions as the Council shall direct. The City Administrator shall further act as a liaison between the Council and such boards and commissions and shall represent and promote the best interests of the City in its dealings with such boards and commissions.

Section 9. COMPENSATION. The City Administrator and subordinate officers shall receive such compensation as the Common Council shall fix from time to time by ordinance or resolution.

Section 10. EFFECTIVE DATE. The provisions of this ordinance shall take effect upon due publication of this ordinance as required by the Charter of the City of Le Sueur.

DATED 8 - 9, 1971.

  
A.D. Walden, Mayor

I do hereby certify and attest that the Common Council of the City of Le Sueur, Minnesota, did pass the above ordinance on August 9<sup>th</sup>, 1971, 1971, in accordance with the Charter of the City of Le Sueur and the laws of the State of Minnesota provided therefor.

Dated 8 - 9, 1971.

  
City Clerk

Published on August 11<sup>th</sup> & 12<sup>th</sup>, 1971.

**RESOLUTION NO. 94-162**

At a regular meeting of the Common Council in and for the City of Le Sueur, Minnesota, which meeting was duly called and held on the 12th day of December, 1994 at 7:30 p.m., all Alderpersons were present. Mayor King presided at the meeting and the following Resolution was offered by Alderperson Klacan who duly moved for its adoption:

WHEREAS, The State of Minnesota passed legislation in 1994 requiring cities to choose between even year elections and odd year elections for electing representatives to the City Council; and,

WHEREAS, The Common Council of the City of Le Sueur believes that even year elections would be in the best interest of the City of Le Sueur because other local governing bodies have chosen even year elections and even year elections would coincide with State and Federal elections; and,

WHEREAS, City Staff has provided the Common Council with a means by which the City could adopt an even year election format, a copy of which is attached hereto and made a part hereof as though fully set forth herein and marked Exhibit "A".

NOW THEREFORE, BE IT RESOLVED, By the Common Council in and for the City of Le Sueur, Minnesota, as follows:

1. That the City of Le Sueur pursuant to State law chooses to establish municipal elections during even numbered years.
2. That City Staff's recommendation, a copy of which is attached hereto as Exhibit "A", be and the same hereby is incorporated for the purpose of conforming present election procedures and modifying them to the even numbered election year system.

Said Resolution was duly seconded by Alderperson Gisvold and put to a vote. Voting in favor thereof were Alderpersons Luskey, Kress, Thompson, Klacan, Gisvold, Vortherms, and Mayor King. Voting against said Resolution - none. Motion carried.

Approved this 12th day of December, 1994.

  
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John R. King, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathleen M. Johannsen, City Clerk

## EVEN YEAR ELECTION

Year of Election	Number Elected	Members Elected	Next Election
1994	Three----- 3-Yr Terms	Mayor-King Ward 1- Kress Ward 2- Rasmusen	1997
1995	One----- 3-Yr Term One----- 5-Yr Term	Ward 1- Luskey Ward 2- Vortherms	1998  2000
1996	Two----- 4-Yr Terms	Ward 1- Thompson Ward 2- Klacan	2000
1997	One----- 3-Yr Term Two----- 5-Yr Terms	Mayor-King  Ward 1- Kress Ward 2- Rasmusen	2000  2002
1998	One----- 4-Yr Term	Ward 1- Luskey	2002
2000	Four----- 4-Yr Terms	Mayor-King Ward 1- Thompson Ward 2- Vortherms Ward 2- Klacan	2004
2002	Three----- 4-Yr Terms	Ward 1- Luskey Ward 1- Kress Ward 2- Rasmusen	2006
2004	Four----- 4-Yr Terms	Mayor King Ward 1- Thompson Ward 2- Klacan Ward 2- Vortherms	2008