



**LE SUEUR CHARTER COMMISSION
AGENDA**

Monday, May 16, 2016
203 South Second Street
6:00 P.M.

1. Call to Order
2. Approval of the Agenda
3. Approval of Minutes
4. Form of Government Presentation – Tom Grundhoefer, General Counsel League of Minnesota Cities
5. Discuss Amendments to the City Charter
6. Next Scheduled Meeting Date – June 20
7. Adjourn



**LE SUEUR CHARTER COMMISSION
MEETING MINUTES
Monday, April 18, 2016
203 South Second Street
6:00 P.M.**

A meeting of the Charter Commission was held on Monday, April 18, 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, Bob Broeder, Mark Huntington, Pat Barry. Staff: Jenelle Teppen, City Administrator, Todd Coryell, City Attorney.

Vice Chair Kerkow called the meeting to order at 6:00 pm.

Vice Chair Kerkow suggested adding an item to the agenda to elect a new Chair as Bob Oberle submitted his resignation to the Commission.

With that amendment a motion by Vortherms, seconded by Wicks to approve the agenda. Voting in favor: All. Voting against: None. Motion carried.

A motion by Wicks, seconded by Vortherms to approve the minutes from the previous meeting of February 29, 2016. Voting in favor: All. Voting against: None. Motion carried.

Wicks motioned to nominate Jack King to the Chair position, seconded by Rohloff. Voting in favor; All. Voting against; None. Motion carried.

Staff presented a memorandum outlining suggested revisions to the City Charter based on the information supplied to the Commission by the League of Minnesota Cities attorney. Following discussion of the individual sections, Wicks motioned to approve revisions to the following Sections of the City Charter:

1.02, 1.04, 2.01, 2.03, 2.09, 3.01, 3.04, 3.07, 4.03, 5.02, 5.06, 7.05, 7.06, 7.07, 7.14.

The motion was seconded by Rohloff. Voting in favor; All. Voting against; None. Motion carried.

There was further discussion on the remaining Sections and Staff is to return to the next meeting with further information.

Next meeting is Monday, May 16, 2016

A motion by Broeder, seconded by Rohloff to adjourn at 7:40 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
Todd Coryell, City Attorney

SUBJECT: Consider Proposed Amendments to City Charter

DATE: For the Charter Commission meeting of Monday, May 16, 2016

Attached to this memo is a first draft of the new charter. I recognize there are some formatting issues but at this point it's a working draft.

This draft is based off the changes tentatively approved by the Commission at the April meeting. Included in this draft is the elimination of the Ward voting system. Section 2.09 is a first attempt at an at-large election paragraph.

Various other updates were made to other sections that were not discussed at the Commission level to make them gender neutral and to correct a few typographical errors. Other than the updates based on the April Commission meeting, the following are the noted sections changes in this draft:

Section 2.03: deleted reference to ward system of elections
Section 2.04: changed masculine to gender neutral
Section 2.05: changed masculine to gender neutral; deleted reference to ward system
Section 2.06: changed masculine to gender neutral
Section 2.09: draft language for at-large elections
Section 3.02: changed masculine to gender neutral
Section 3.07: changed the proposed language the Commission tentatively approved
Section 3.08: changed masculine to gender neutral
Section 4.04: changed masculine to gender neutral
Section 5.13: changed masculine to gender neutral
Section 5.14: changed masculine to gender neutral; fixed typo in sample form
Section 5.15: deleted reference to ward system; changed masculine to gender neutral
Section 5.17: changed masculine to gender neutral
Section 5.18: changed masculine to gender neutral
Section 7.08: corrected grammatical error
Section 7.10: corrected typo
Section 7.15: corrected spelling error
Section 9.02: corrected typo
Section 12.08: changed masculine to gender neutral in the title (although this section was

specific to the elections in '71-'73)

RECOMMENDATION

Staff recommends the Charter Commission discuss the proposed amendments.

~~Continued from last page~~
~~Existing ordinances and regulations continue in effect~~

CHAPTER 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

SEC. 1.01 NAME AND BOUNDARIES.

The City of Le Sueur, in the County of Le Sueur, and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of Le Sueur, with the same boundaries as now are or hereafter may be established.

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. 1.03 ADDITIONAL TERRITORY FOR POLICE AND SANITARY PURPOSES.

Police and sanitary purposes. That all that portion of section number thirty-five (35) laying west of the Minnesota River, all in township one hundred and twelve (112), range twenty-six (26), be, and the same is hereby, attached to the City of Le Sueur and included within the corporate limits thereof for police and sanitary purposes only, and the said City of Le Sueur shall have and possess all police and sanitary powers over the territory described in Appendix A, which are now possessed by said city under its charter over the incorporate limits of said city.

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. The 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 the 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 or the State of Minnesota.

SEC. 1.05 CHARTER A PUBLIC ACT; EFFECTIVE DATE.

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

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. 2.02 BOARDS AND COMMISSIONS.

There shall be no separate administrative board of health, library board, park board, or any other administrative board or commission, except for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions. The council may, however, establish, regulate and abolish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions.

SEC. 2.03 ELECTIVE OFFICERS.

The council shall be composed of six councilmen-council members and a mayor, all of whom shall be qualified electors. The council membersmen and mayor 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 and the mayor shall serve for a period of four three-years and until theirhis successor is elected and qualifies.

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SEC. 2.04 INCOMPATIBLE OFFICES.

Except, as otherwise permitted by law, no member of the council shall be appointed to any paid administrative position, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of his term as mayor or council memberman, no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created during his term as councilman-council member.

SEC. 2.05 VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist for any reason stated in State Statutes, and for continuous absence from the city for more than three months, or by reason of the failure of any council member ~~man~~ without good cause to perform any of the duties of membership in the council for a period of three months. These provisions do not pertain to the provisions for recall as outlined in chapter 5 of this Charter. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term. ~~In the event a councilman moves his residence from the ward from which he was elected to another ward within the city, no vacancy shall be deemed to exist during the unexpired portion of the current term, but he shall serve to the end of the term to which he was elected. Nor shall the change in any ward boundaries as herein provided in any way affect the current term of any councilman. However, a candidate for election to the office of councilman must be a bona fide resident of the ward from which he seeks election.~~

SEC. 2.06 THE MAYOR; PRESIDENT PRO TEM.

The mayor shall be the presiding officer of the council, except that the council shall choose from its members a president pro tem who shall hold office at the pleasure of the council and shall ~~serve~~ as president in the mayor's absence and a mayor in case of the mayor's disability or absence from the city. The mayor shall have a vote as a member of the council. ~~The Mayor~~ He shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the city, and the laws of the state. ~~He. The Mayor~~ shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. ~~They Mayor~~ He shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency ~~the Mayor~~ he may, with the consent of the council, take command of the police, maintain order and enforce the law.

SEC. 2.07 SALARIES AND WAGES.

The members of the council, including the mayor and all subordinate officers and officials of the city shall receive such salaries or wages as may be fixed by ordinance by the council in accordance with state statute.

Statutory reference:

For state law as to salaries of mayor and councilmen, see M.S.A. § 415.11

SEC. 2.08 INVESTIGATION OF CITY AFFAIRS.

The council shall have the power to make investigations into the city's affairs and compel the productions of the city's records. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

SEC. 2.09 WARDS AT-LARGE ELECTIONS.

~~All Council Members and the Mayor shall be elected at-large. Candidates shall be elected by plurality-at-large vote. An individual casting a vote may only vote for a candidate once, and shall vote for as many candidates as there are council member seats up for election. The candidate receiving the most votes shall be elected to the first open seat. In the event there are more than one open seat, the candidates receiving the next most votes shall be elected to office and so on until all the seats are filled. 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, redetermine ward boundaries so as to make said wards as nearly equal in population as practicable.~~

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 ~~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,~~ notice to each member of the council as required by State law. 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. 3.02 CITY CLERK.

The city clerk shall be appointed by the council for an indefinite period and may be removed by the council at any time. The city clerk shall act as secretary of the council. ~~He~~ The City Clerk shall keep a journal of council proceedings and such other records and perform such other duties as may be required by this Charter or by the council.

SEC. 3.03 RULES OF PROCEDURE; QUORUM.

The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

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. 3.05 PROCEDURE ON ORDINANCES.

The enacting clause of all ordinances shall be in the words, "The City of Le Sueur does ordain." Every ordinance shall be presented in writing and read publicly unless the reading of an ordinance is dispensed with by unanimous consent of those present. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage which shall take place only at a regularly scheduled- meeting.

SEC. 3.06 EMERGENCY ORDINANCE.

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace,

health, safety, or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by a vote of at least three-fourths of the members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been filed with the city clerk and posted in three conspicuous places or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

SEC. 3.07 PROCEDURE ON RESOLUTIONS.

Every resolution shall be approved by a majority vote of all the members of the council, unless a larger percentage is required by State law, before it shall take effect.

SEC. 3.08 SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS; ADOPTION OF CODES, ETC., BY REFERENCE.

Every ordinance or resolution passed by the council shall be signed by the mayor or in ~~his~~ their absence by the president pro tem of the council, attested to, filed, and preserved by the city ~~clerk and filed and preserved by him~~. Every ordinance shall be published once in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

SEC. 3.09 WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.

A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed therein. Every other ordinance shall take effect seven (7) days after one publication or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later time as is fixed therein.

SEC. 3.10 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended together with the amended form thereof. In newspaper publications a method shall be used that will clearly indicate new matter and old matter to be ~~omitted~~.

SEC. 3.11 REVISION AND CODIFICATION OF ORDINANCES.

The council may by majority vote of the full council revise and codify in book, pamphlet or newspaper form, any ordinances, resolutions, and rules of the city and include therein for reference any applicable general or special laws. Such codification shall be a sufficient publication of any ordinance included in it

and not previously published in a newspaper if a substantial quantity of the codification is printed for general availability to the public. A notice that copies of the codification are available at the office of the city clerk shall be published for at least two successive weeks in the official publication.

CHAPTER 4. NOMINATIONS AND ELECTIONS

SEC. 4.01 THE REGULAR MUNICIPAL ELECTION.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of each year commencing in 1971 at such place or places as the city council may designate. The city clerk shall give at least two weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper.

SEC. 4.02 SPECIAL ELECTIONS.

The council may by resolution order a special election and provide all means for holding it. At least two weeks' published notice of a special election shall be given in the official publication. Failure to give such notice shall invalidate such election.

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 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 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 law. The city clerk shall immediately check this petition and if found to be insufficient it shall be returned to the circulator within ~~twenty-four (24) hours~~ two business days 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 ~~he that occur, do so, his~~ he the signature shall be void as to the petition or petitions last filed.

SEC. 4.04 NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in ~~his~~ their presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be determined by the council substantially as follows:

"NOMINATION PETITION

"We, the undersigned electors of the city of _____, hereby nominate John Doe, whose residence is _____, for the office of _____

_____, to be voted for at the election to be held on _____ day of _____

, 20 ; and we individually certify that we are qualified electors and that we have no signed more nomination petitions of candidates for this office than there are persons to be elected thereto.
Name Street and Number

, being duly sworn, deposes and says that ~~he~~they are is the circulator of the foregoing petition paper containing signatures, and of the signatures appended thereto were made in ~~his~~their presence and are the signatures of the persons whose names they purport to be.

"Signed

"Subscribed and sworn to before me this
, 20

day of

†:



Any five electors may form themselves into a committee for the initiation of any ordinance except as provided in section 5.01. Before circulating any petition they shall file a verified copy of their proposed ordinance with the city clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors.

SEC. 5.05 FORM OF PETITION AND OF SIGNATURE PAPERS.

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least fifteen per cent of the total number of votes cast in the municipality at the last preceding presidential year general election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature, appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

"INITIATIVE PETITION

"proposing an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

Name Address

1.

2.

3.

4.

5.

"The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

1.

2.

3.

At the end of the list of signatures shall be appended the affidavit of the circulator.

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 ~~five~~ fifteen (15) 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, ~~he~~ the clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for ~~his~~ the 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 ~~his~~ their 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. 5.08 INITIATIVE BALLOTS.

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption, if a majority of the electors voting on any ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately, in case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

SEC. 5.09 INITIATION OF CHARTER AMENDMENTS.

Nothing in this Charter shall be construed as in any way affecting the right of the electors under the Constitution and statutes of Minnesota to propose amendments to this Charter.

REFERENDUM

SEC. 5.10 THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to fifteen (15) per cent of the total vote voting in the municipality at the last preceding presidential year general election is filed with the city clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it, or by yes and no vote re-affirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately on canvass of the ballots and announcement and publications of the result thereof or on the date provided in said ordinance whichever may be later upon compliance with all of the provisions of chapter 3 hereof with reference to ordinances.

SEC. 5.11 REFERENDUM PETITIONS.

The requirements laid down in sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. The referendum petition shall read as follows:

"REFERENDUM PETITION

"proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors.

Name Address

1.

2.

3.

4.

5.

"The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval.

Name Address

3.

SEC. 5.12 REFERENDUM BALLOTS.

The ballots used in any referendum election shall conform to the rules laid down in section 5.08 of this Charter for initiative ballots.

RECALL

SEC. 5.13 THE RECALL.

Any five electors qualified to vote for the office in question may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall file a certificate with the city clerk setting forth the name of the officer whose removal sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about ~~his~~ the elected official's recall. A copy of this certificate shall be attached to each signature paper and no-signature paper shall be put into circulation previous to such certification.

SEC. 5.14 RECALL PETITIONS.

The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit, that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

"RECALL PETITION

"proposing the recall of from ~~his~~ their office as

recall is sought

for the reasons set forth in the attached certificate. This recall is sponsored by the following committee of qualified electors.

Name Address

1.

2.

3.

"The undersigned electors qualified to vote for the office designated, understanding the officer herein sought to be recalled, desire the holding of a recall election ~~for~~ for that purpose.

Name Address

1.

2.

3.

At the end of the list, of signatures shall be appended the affidavit of the circulator.

SEC. 5.15 FILING OF PETITION.

Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The number of signers required shall be thirty per cent (30%) of the total number of electors qualified to vote for the office designated in the petition who cast their vote in the ~~voting ward or wards involved in the last preceding presidential year general election.~~ The city clerk shall examine the petition within the next five (5) days and if ~~he~~ the clerk finds it insufficient or irregular in any way, ~~he~~ they shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular, ~~he~~ the clerk shall notify all the members of the committee to that effect and shall file the petition in ~~his~~ the clerk's office.

No further action shall be taken thereon.

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.

SEC. 5.17 PROCEDURE AT RECALL ELECTION.

The city clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of ~~his~~their course in action. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

SEC. 5.18 FORM OF RECALL BALLOT.

Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall be recalled?", the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy in case the recall is successful under the caption "Candidates to fill the place of , if

recalled"; but the officer whose recall is sought shall not ~~himself~~themselves be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for ~~his~~their place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS

SEC. 6.01 THE COUNCIL.

The council shall be the chief administrative body of the city. Its administrative powers may be enforced under the provisions of an administrative code enacted by ordinance.

SEC. 6.02 POWERS AND DUTIES OF THE COUNCIL.

The council shall have broad powers to delegate authority and to create any powers to carry out this authority. Such position of city administrator, city manager, or its equivalent, once created shall not be abolished without the approval of the people. This, however, does not limit the council's power to dismiss that person with or without cause, expand or restrict any powers of the position, and set salary.

SEC. 6.03 DEPARTMENTS OF ADMINISTRATION.

The council may create such departments for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organization.

SEC. 6.04 PURCHASES AND CONTRACTS.

The council shall be the chief purchasing agent of the city. All city purchases and contracts shall be made in accordance with state statute by the council or another official so designated by the council on behalf of the city, when the dollar amount is not large enough to require competitive bidding.

SEC. 6.05 PROCEDURE GOVERNING PURCHASES AND LETTING OF CONTRACTS.

In all cases involving the purchases of supplies, materials and equipment, or in cases involving construction work to be done by contract, or the purchase of personal property of any kind, where state statute requires competitive bidding, unless the council shall by an emergency ordinance otherwise

provide, the city shall advertise for bids in such manner as may be designated by the council. Contracts entered into pursuant to such bids shall be let by the council only to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by a two-thirds vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Subject to the provisions of this Charter, the council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

CHAPTER 7. TAXATION AND FINANCES

SEC. 7.01 COUNCIL TO CONTROL FINANCES.

The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

SEC. 7.02 FISCAL YEAR.

The fiscal year of the city shall be the calendar year.

SEC. 7.03 SYSTEM OF TAXATION.

The council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property, the city shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

SEC. 7.04 BOARDING OF EQUALIZATION.

The council shall constitute the board of equalization to equalize assessments of property for taxation purposes according to law.

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 ~~six (6) copies~~ one copy to be available for inspection by the public, at the city hall and the public library.

SEC. 7.06 PASSAGE OF THE BUDGET.

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.

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 revenue 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.

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. 7.08 ALTERATIONS IN THE BUDGET.

After the budget resolutions has ~~have~~ been adopted, the council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may at any time, by resolution approved by a majority of the full council, reduce the sums appropriated for any purpose by the budget resolution, or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SEC. 7.09 EMERGENCY APPROPRIATION IN BUDGET.

The council may include an emergency appropriation as a part of the budget but not to exceed ten per cent (10%) of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of a majority of the full council and shall be used only for the purposes designated by the council.

SEC. 7.10 HOW DISBURSEMENTS MADE.

No disbursement of city funds shall be made except by check signed by authorized persons and specifying the purposes for which the disbursement is made and the fund from which if it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it together with all outstanding encumbrances upon the fund. 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 responsible city officer who vouches for its correctness and reasonableness. The particular fund out of which payment is to be paid shall be noted on each contract requiring the payment of money by the city. The council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the city.

SEC. 7.11 GENERAL AND SPECIAL FUNDS TO BE MAINTAINED.

Subd. 1. There shall be maintained in the city treasury a general fund for the payment of such expenses as the council may deem proper. Into this fund shall be paid all moneys levied for this fund and all moneys not required to be placed in some other fund.

Subd. 2. There shall also be maintained in the city treasury such other funds, or division of funds, as the budget shall require or the council shall direct. There shall also be maintained in the city treasury such other funds or division of funds as are required by law, ordinance or resolution.

SEC. 7.12 ACCOUNTING PROCEDURE.

The council may prescribe and enforce generally accepted accounting methods, forms, blanks, and other devices consistent with the law, the Charter, and ordinances adopted in and accord therewith.

SEC. 7.13 CITY INDEBTEDNESS.

Except as provided in sections 7.14 and 7.15, no obligations shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by state law, no such obligations shall be issued and sold without the

approval of the majority of the electors of the city voting on the question at a general or special election.

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 ~~one year following the date of issuance~~ April 1st of the year following 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.

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SEC. 7.15 EMERGENCY DEBT CERTIFICATES.

If in any year the receipts from taxes or other sources should from some ~~unforeseen~~ unforeseen cause become insufficient for the ordinary expenses of the city or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, by provisions of section 7.07 or 7.08, the council may by ordinance authorize such expenditures and issue emergency debt certificates to run not to exceed two years. A tax sufficient, to pay principal and interest on such certificates with the

margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a majority of the full council. It may be passed as an emergency ordinance.

CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SEC. 8.01 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS.

The city shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments for all or any part of the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.

SEC. 8.02 LOCAL IMPROVEMENTS AND REGULATIONS.

All proceedings for construction and improvements to be paid for by special assessments against benefited property may be instituted by the procedures authorized by the laws of the State of Minnesota, or procedures established by the council by ordinance.

CHAPTER 9. EMINENT DOMAIN

SEC. 9.01 POWER TO ACQUIRE PROPERTY.

The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

SEC. 9.02 PROCEEDINGS IN ACQUIRING PROPERTY.

The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to the laws of this state.

CHAPTER 10. FRANCHISES

SEC. 10.01 FRANCHISES REQUIRED.

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the city to guarantee publication before the ordinance is passed.

SEC. 10.02 TERM.

No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

SEC. 10.03 PUBLIC HEARING.

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official publication not less than ten (10) days prior to the date of the hearing.

SEC. 10.04 POWER OF REGULATION RESERVED.

Subject to law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

SEC. 10.05 RENEWALS OF EXTENSIONS.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SEC. 11.01 ACQUISITION AND OPERATION OF UTILITIES.

The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the

property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of the city council.

SEC. 11.02 RATES AND FINANCES.

The council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SEC. 11.03 PURCHASES IN BULK.

The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

SEC. 11.04 LEASE OF PLANT.

The council may, if the public interest will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

SEC. 11.05 HOW PUBLIC UTILITIES MAY BE SOLD.

No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of state law.

CHAPTER 12. MISCELLANEOUS AND TRANSITORY PROVISIONS

SEC. 12.01 OFFICIAL PUBLICATIONS: OFFICIAL NEWSPAPER.

The council shall annually designate a legal newspaper as provided by the laws of Minnesota as its official means of publication.

Statutory reference:

For state law as to city printing and designation of newspaper in which ordinances, resolutions, etc., are to be published, commonly called the "official newspaper", see M.S.A. § 411.34

SEC. 12.02 OATH OF OFFICE.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (title of officer) of the City of Le Sueur to the best of my judgement and ability."

SEC. 12.03 CITY OFFICERS NOT TO BE INTERESTED IN CONTRACTS.

Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

SEC. 12.04 OFFICIAL BONDS.

Such officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds at the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the city.

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.

SEC. 12.07 CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY.

The city shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the city under any former charter or statute.

SEC. 12.08 PRESENT OFFICERS TO HOLD OFFICE UNTIL TIME HEREIN STATED; ELECTION AND TERMS OF FUTURE MAYORS AND COUNCIL MEMBERSMEN.

To provide for transition to calendar year terms as provided for in this Charter, council and mayor offices standing for election in the April 1971 election shall serve for a term ending the first business day of January 1974, at which time these offices shall be filled for three (3) year terms by election in November of 1973 as provided for under this Charter.

All present elected council offices with terms expiring in April of 1972 shall stand for election in November of 1971 for three (3) year terms commencing first business day of 1972 as provided for under this Charter.

All present elected council offices with terms expiring in April of 1973 shall stand for election in November of 1972 for two (2) year terms commencing first business day of 1973 as provided for under this Charter.

The present city treasurer and city clerk shall serve until this Charter takes effect.

Editor's note:

This Charter was adopted by the voters on March 9, 1971 and pursuant to § 1.05, became effective 30 days thereafter

SEC. 12.09 STATUTES NOT AFFECTED BY CHARTER.

All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Le Sueur operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Le Sueur, and shall be construed as supplementary to the provisions of this Charter.

SEC. 12.10 EXISTING ORDINANCES AND REGULATIONS CONTINUED IN EFFECT.

All ordinances and regulations of the city of force when this Charter takes effect and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Editor's note:

The Charter was adopted by the voters on March 9, 1971, and, pursuant to § 1.05, became effective 30 days thereafter.