

CERTIFICATE OF ADOPTION OF HOME-RULE CHARTER.

I, F. M. Madden, President of the Council of the Village of Hopkins, Hennepin County, Minnesota, and as such the chief magistrate of said village, do hereby certify that the Charter hereto attached and made a part of this certificate is a true and correct copy of the Charter returned and filed with the village by the duly appointed and qualified board of free-holders of such village.

I further certify that such Charter was duly submitted to the voters of the Village of Hopkins, Hennepin County, Minnesota, at a special election held in said village on December 2, 1947, and was duly adopted by a vote 1148 for the charter and 555 against the charter, and that the total vote cast in said election was 1703 votes.

I further certify that said vote for said Charter was more than the necessary four-sevenths of the total vote cast on the question of the adoption thereof.

WITNESS MY HAND and the corporate seal of the Village of Hopkins, Hennepin County, Minnesota, this 10th. day of December, 1947.

J. F. M. Madden  
President of the Village Council and  
chief magistrate of the Village of  
Hopkins, Hennepin County, Minnesota.

ATTEST:

[Signature]  
Village Clerk.

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 15 1947

# Charter of the City of HOPKINS

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Approved and submitted to the Council, Nov.  
4, 1947, for submission to the people at the  
annual village election on Dec. 2, 1947.

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## Hopkins Charter Commission

JOSEPH C. VESELY, *Chairman*

SANFRED C. GUSTAFSON, *Vice chairman*

CARL TOWLEY, *Secretary*

JOSEPH T. ANDERLA

CLINTON K. BLUMQUIST

A. L. FEUDNER

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DWIGHT W. HOLCOMBE

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DR. F. M. MADDEN

J. L. MARKHAM

MARGARET McHALE

FRANK F. SEFCIK

W. S. SMETANA

HARRY E. WESTLING

10396  
**CHARTER**  
of the  
**City of Hopkins**  
**Hennepin County, Minn.**

**CHAPTER 1**

**NAME, BOUNDARIES, POWERS AND CONSTRUCTION**

Section 1.01. *Name and boundaries.* Upon the taking effect of this charter, the village of Hopkins, in the county of Hennepin, state of Minnesota, shall become a city under the name and title of the city of Hopkins, and shall continue to be a municipal corporation, and shall include ~~sections 19, 24 and 25, Township 117, Range 22, Hennepin County, Minnesota; also the following described real estate situated in said County and State, to-wit: The East One-half of the Southwest Quarter of Section 13, Township 117, Range 22; also the Southwest Quarter of the Southeast Quarter of Section 13, Township 117, Range 22; also the Easterly 400 feet of that part of the West One-half of the Southwest Quarter of Section 13, Township 117, Range 22, which formerly constituted the South One-half of Lot 3, and all Lots 4, 5, and 6, of Souba's Subdivision, Hennepin County, Minnesota, now vacated; also the Easterly 400 feet of Lot 7, Souba's Subdivision, Hennepin County, Minnesota, now vacated, until changed by the exclusion of any of said lands from, or the inclusion of other lands within its boundaries.~~

**Powers**

Sec. 1.02. *Powers of the city.* The city shall have all powers of local self-government and home rule possible for a municipal corporation to have under the constitution of the state, and all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the state, including all powers which shall be necessary to preserve, promote, advance and protect the health, safety

and general welfare of persons, and preserve and protect property, and to any and all of these ends, to levy taxes and to borrow money and issue and negotiate bonds or other instruments evidencing indebtedness; to enter into contracts, to purchase, exchange, develop, operate, improve, lease, barter or sell any property. All such powers shall be exercised in the manner prescribed in this charter and by the laws of the state, or if not so prescribed, as shall be provided by ordinance of the council. In all cases where the laws of this state pertaining to home rule charter cities of the same class as the city of Hopkins and the charter of the city are silent on any such subject, the city of Hopkins may use such statutes appropriate or relevant to the matter involved but pertaining to villages of the state as may be desired.

### **Construction**

Sec. 1.03. *Construction of this charter.* The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all powers necessary or convenient for the efficient conduct of its municipal affairs as contemplated by the municipal home rule provisions of the constitution, the laws of the state, and this charter. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the general powers of the city to those specifically mentioned.

## **CHAPTER 2**

### **Form of Government**

Sec. 2.01. *Form of government.* The form of government established by this charter shall be known as the "Council-Manager Plan." All powers of the city, unless otherwise specifically provided by this charter, shall be exercised by the city council and the mayor, subject to the initiative, referendum and recall powers of the voters. They shall have complete control of the city administration but shall exercise this control exclusively through the city manager and shall not themselves attempt to perform any administrative work.

Sec. 2.02. *Boards.* The council shall itself be, and shall perform the duties and exercise the powers of all local boards and commissions except as herein otherwise provided. It may by ordinance or resolution create commissions or boards and appoint the members thereof, with advisory powers to investigate any subject of interest to the municipality and to prepare any plans, subject to the approval of the council, and the mayor may be a member of any commission or board so created. Such boards or commissions may be given the power to administer oaths and to compel the attendance of witnesses and the production of books, papers and documentary evidence.

### **Officers**

Sec. 2.03. *Elective officers.* Subdivision 1. The elective officers shall be a mayor, four councilmen and two judges of the municipal court, who shall all be qualified electors. They shall be elected by proportional representation in the manner hereinafter provided.

Subdivision 2. The mayor and the four councilmen shall each serve for a term of two years, and the judges of the municipal court shall serve for a term of four years, and all shall serve until their successors are elected and qualified. All terms shall commence on July 1st and the terms of the four councilmen shall all expire at the same time. At the first regular election held after the adoption of this charter, one judge shall be elected for a term of four years, and there shall be only one municipal judge in the city until the second regular election held after the adoption of this charter, at which election a second municipal judge shall be elected for a term of four years.

Subdivision 3. The council shall be judge of the election of all elective officers.

Sec. 2.04. *Incompatible offices.* Neither the mayor nor any member of the city council shall be appointed city manager, or hold any paid municipal office or employment under the city other than the office to which elected; and until one

year after the expiration of his term as mayor or councilman, no former city mayor or city councilman shall be appointed to any paid office or employment under the city, which office or employment was created or the emoluments of which were increased during his term.

Sec. 2.05. *Vacancies.* Subdivision 1. A vacancy in any elective office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the council after the election of such officer, or by reason of the death, resignation, removal from office, removal from the city, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any elected official without good cause to perform any of the duties of his office for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and in the case of a vacancy in the office of the mayor or councilman, shall forthwith appoint an eligible person to fill the same.

Subdivision 2. Any vacancy in the office of the judge of municipal court shall be filled in the manner provided in the constitution of this state or by the laws thereof.

### **The Mayor**

Sec. 2.06. *The Mayor.* Subdivision 1. The mayor shall be the presiding officer of the council and shall vote on all motions before the council as any other member thereof. A president pro tempore shall be chosen who shall serve as presiding officer in the mayor's absence, and as acting mayor in case of the mayor's disability or absence from the city.

Subdivision 2. The mayor 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 shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving all legal processes and by the governor for the purposes of the martial law. 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.

### **Salaries**

Sec. 2.07. *Salaries.* The mayor shall receive an annual salary of \$300.00 and the councilmen shall each receive an annual salary of \$100.00. The mayor and councilmen shall be paid a reasonable sum for each day and their reasonable expenses incurred while traveling outside the city on the city's business. The municipal judges, the city manager and all other officers and employees of the city shall receive such salaries, wages and expenses as may be fixed by the council.

Sec. 2.08. *Investigation of city affairs.* The mayor, the council, and the city manager, or either of them, or any officer formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council shall provide for the annual examination or audit of the accounts of the city.

Sec. 2.09. *Interference with administration.* Except as otherwise provided in this charter, neither the council nor any of its members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service, but this shall not be construed to prohibit the council from passing ordinances for establishing the merit system. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

## **Municipal Court**

Sec. 2.10. *Municipal Court.* The council shall cause to be duly organized and established, and shall permanently provide for and maintain, a municipal court with two elective judges thereof, as authorized by and in conformity with the laws of the state, and shall make all necessary and proper regulations and provisions relative thereto.

## **CHAPTER 3**

## **Council**

### **PROCEDURE OF COUNCIL**

Sec. 3.01. *Council meetings.* On the first Monday after the first Tuesday in July following a regular municipal election, the council shall meet at the usual time and place for holding council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such time as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor or any two members of the council may call special meetings upon at least twelve hours notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. 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. *Secretary of council.* The council shall choose and may remove a secretary of the council and such other officers and employees as may be necessary to serve at its meetings. The secretary shall keep a record of the council proceedings, and keep such other records and perform such other duties as may be required by this charter or by vote of the council.

Sec. 3.03. *Rules of procedure and 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 no resolution or ordinance shall be passed or adopted by the council with less than three votes in its favor.

## **ORDINANCES, RESOLUTIONS AND MOTIONS**

Sec. 3.04. *Ordinances, resolutions and motions.* Subdivision 1. Except as otherwise provided in this charter, all legislation shall be by ordinance. The enacting clause of all ordinances shall be "Be it ordained by the Council of the City of Hopkins." Every ordinance shall be presented in writing and every ordinance, other than emergency ordinances, shall have two public readings and at least three days shall elapse between the first and second readings thereof. Every ordinance passed by the council shall be signed by the mayor and the secretary of the council, and shall be filed with the secretary of the council and by him recorded and preserved. Every ordinance that has been adopted shall be published at least once in the official paper of the city within 15 days after its passage by the council. All ordinances, except emergency ordinances, shall take effect 20 days after the date of their publication, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

Subdivision 2. An emergency ordinance is one in which the emergency is defined or declared in a preamble thereto, separately voted upon, and both the preamble and ordinance must be adopted by at least four votes of the council. An emergency ordinance may be adopted after its first reading and take effect immediately after its adoption. No grant of any franchise shall be construed to be an emergency ordinance.

Subdivision 3. The city may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the municipality, or any code, to the extent and in the manner provided by the laws of Minnesota.

Subdivision 4. Every resolution shall be presented in writing, and read in full before a vote is taken thereon, unless the reading of a resolution

is dispensed with by unanimous consent.

Subdivision 5. All administrative business may be transacted by ordinary motion.

Subdivision 6. No ordinance or section thereof shall be amended or repealed except by ordinance, and every amendment or repeal shall refer to the ordinance so amended or repealed by title, date of passage and section number or numbers. All previous amendments must be consolidated in a rewording of the section amended each time that the section is changed.

#### CHAPTER 4

##### Elections

Sec. 4.01. *Municipal elections.* Subdivision 1. The regular election for the choice of the elective officers of the city shall be held on the third Tuesday in May in odd numbered years. In the event this charter should be adopted at any time between April 1st of any odd numbered year and April 1st of any even numbered year, a special election shall be held on the third Tuesday in May of such even numbered year, at which special election all of the elective officers provided for by this charter, except municipal court judges, shall be elected for terms of one year only. The city manager shall give notice of all elections in the manner prescribed by the laws of Minnesota for cities of the same classification as Hopkins, but failure to give such notice shall not invalidate such election.

Subdivision 2. The council may by resolution order a special election on any question which it desires to submit to a vote of the electors, fix the time for holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Sec. 4.02. *Election officials.* The council shall at least ten days before each municipal election appoint not less than three nor more than five qualified voters of each election district to serve as judges and clerks of election, and the council shall fix their compensation.

##### Candidates

Sec. 4.03. *Candidates.* Subdivision 1. A candidate for a city office shall file an affidavit at least 20 days before election with the city manager, or application on behalf of any qualified voter of the city whom they desire to be a candidate may be made and filed by not less than five voters thereof; provided that service of a copy of the application shall be made on such candidate and proof of service endorsed on the application before filing. In either case, the filing fee shall be \$5.00. Such affidavit or application shall state that the candidate is a qualified voter of the city of Hopkins, and name the office for which he is a candidate.

Subdivision 2. Any candidate may withdraw not later than twelve o'clock noon of the day following the last day for filing by filing a notice of withdrawal with the city manager.

##### Ballots

Sec. 4.04 *Ballots.* Subdivision 1. The city manager shall prepare a separate official city ballot for each office to be filled, containing the names of all candidates as signed to their affidavits or contained in the application filed in their behalf, and designating the office for which they are candidates. If there are two candidates with the same surname, or with names so similar as to be likely to cause confusion, the addresses of their places of residence shall be placed with their names on the ballot. The names of the candidates for each office to be voted on shall be arranged in the alphabetical order of their surnames.

Subdivision 2. The ballots shall be marked according to the following instructions, which shall be printed at the top of each ballot under the heading "Directions to Voters," the first sentence to be printed in bold-face type:

Mark your choice with numbers only. (Do not use X marks.)

Put the number 1 in the square opposite the name of your first choice.

Put the number 2 opposite your second choice, the number 3 opposite your third choice, and so on. You may mark as many choices as you please.

Do not put the same number opposite more than one name.

To vote for a person whose name is not printed on this ballot, write his name on a blank line under the names of the candidates and put a number in the square opposite to show which choice you wish to give him.

If you tear or deface or wrongly mark this ballot, return it and obtain another.

### **Preparation for Count**

Sec. 4.05. *Preparations for count.* Before each election, the council shall designate a central counting place where all of the ballots shall be brought together and counted publicly; appoint a competent person to act as director of the count, employ and provide for the training of a sufficient staff of assistants; fix a definite compensation for the director and for each member of the staff which may not be dependent on the length of time consumed in the count; and make other suitable arrangements for the counting of the ballots subject to the provisions of this charter.

Sec. 4.06. *Assembling the ballots.* As soon as the polls are closed, the election officials at each voting place shall, without opening it, seal the ballot box and send it at once, as the election authorities may direct, to the central counting place for the city. They shall send with it a record of the number of ballots cast therein.

Sec. 4.07. *Checking the returns.* Subdivision 1. At the central counting place, the ballot boxes shall

be opened and the number of ballots found therein recorded and compared with the records sent from the corresponding voting places. If any discrepancy appears which cannot be reconciled, it shall be shown on the record. All ballots found in the ballot boxes in respect to which no evidence appears that they have been improperly cast shall be accepted.

Subdivision 2. The ballots in each box shall also be examined for validity and those which are found to be invalid or blank shall be separated from the rest. The numbers of valid, invalid and blank ballots from each voting place and the total number of each for the whole city shall be recorded.

Sec. 4.08. *Valid and invalid ballots.* A ballot shall be held invalid if it does not clearly show which candidate the voter prefers to all others. Every ballot not thus invalid shall be counted according to the intent of the voter so far as that can be clearly ascertained, whether marked according to the directions printed on it or not. No ballot shall be held invalid because it is marked in ink or in pencil different from the one supplied at the voting place, or because the names of candidates thereon for whom the voter did not mark a choice have been stricken out. Any cross mark shall be disregarded, except that a single cross mark on a ballot on which no number 1 appears shall be considered equivalent to the number 1. If the consecutive numerical order of the numbers on a ballot is broken by the omission of one or more numbers, the smallest number marked shall be taken to indicate the voter's first choice, the next smallest his second, and so on, without regard to the number or numbers omitted.

### **The Quota**

Sec. 4.09. *Quota sufficient to elect.* Subdivision 1. The quota of votes sufficient for the election of a councilman shall be the smallest number of ballots which could be received separately by each of as many candidates as are to be elected but not by one candidate more. It shall be determined by dividing the total number of valid ballots by one more than the number of councilmen to be elected



and adding one to the result, disregarding fractions.

Subdivision 2. The quota of votes for the election of a mayor or a judge of the municipal court, shall be a majority of the valid ballots cast for such offices.

Subdivision 3. In each case, the director of the count shall determine the quota.

### **The Counting**

Sec. 4.10. *Rules for counting ballots.* Subdivision 1. The results of the election shall be determined according to the rules set forth in the following subdivisions of this section.

Subdivision 2. The valid ballots from the various precincts shall all be mixed together before any counting is done.

Subdivision 3. Thereafter, as each such ballot is removed from the ballot box, it shall be numbered upon its reverse side in the order of such removal and sorted according to the first choice marked on it.

Subdivision 4. All ballots containing only a single choice shall be counted first and credited to the candidate designated thereon. Thereafter each candidate shall be credited with one vote for every valid ballot that is sorted to him as first choice or otherwise credited to him as hereinafter provided and no ballot shall ever be credited to more than one candidate at the same time.

Subdivision 5. Whenever at any stage of the counting, the number of ballots credited to a candidate becomes equal to the quota, he shall be declared elected and no ballots in excess of the quota shall be credited to him.

Subdivision 6. After all first choice votes have been determined, if any candidate or candidates shall be found to be elected by more first choice votes than the quota, all ballots of such candidate or candidates placed on their respective piles after such quota has been reached shall be credited to the second choice marked on them, or if the second choice also has been elected, to the next choice marked on it for a candidate not yet elected. The transfer of such excess ballots shall be made in the order of the numbers upon the reverse thereof. A

record shall be kept and made public, however, of the total number of first choices for each candidate.

### **Transfer**

Subdivision 7. When all the ballots have been thus sorted and credited and all offices not yet filled, the candidate with the lowest number of votes to his credit shall be declared defeated.

Subdivision 8. The ballots of the candidate thus defeated shall be transferred, each to the candidate indicated on it as next choice among the continuing candidates. A "continuing candidate" is a candidate not yet elected or defeated. Any ballot taken for transfer which does not clearly indicate any candidate as next choice among the continuing candidates shall be set aside as exhausted. If the same choice is marked for more than one candidate, it shall be disregarded except as to continuing candidates; but if two or more of the candidates marked with the same choice are continuing and all previous choices have been elected or defeated, the ballot shall be set aside as exhausted.

Subdivision 9. Thereupon the candidate who is then lowest on the poll shall be declared defeated and all his ballots similarly transferred. Thus candidates shall be defeated one at a time and all their ballots transferred until the election is at an end as herein provided.

Subdivision 10. In deciding any tie, a candidate shall be treated as having more votes than another if he was credited with more votes at the end of the last preceding transfer or sorting of ballots at which the numbers of their votes were different. Any tie that cannot be decided thus shall be decided by lot.

Subdivision 11. If at any time as many candidates as are to be elected have received the quota, the other candidates shall all be declared defeated and the election shall be at an end. Any transfer that is in progress when the last candidate is elected may be completed for the record.

Subdivision 12. If at any time all ballots of any defeated candidates have been transferred and it is impossible to defeat another candidate without reducing the continuing candidates below the num-

ber still to be elected, all the continuing candidates shall be declared elected and the election shall be at an end.

### **Record of Count**

Subdivision 13. A record of the count shall be kept in such form as to show, after each sorting or transfer of ballots, the number thereby credited to each candidate, the number thereby found exhausted, the total for each candidate, the total found exhausted, and the total number of valid ballots found by adding the totals of all candidates and the total found exhausted.

Subdivision 14. If at any time after the first sorting of the ballots, a ballot is found to have been misplaced, it shall be credited to the candidate who should have it or set aside as exhausted in accordance with the choices shown on it, and any changes in the ballots composing completed quotas made necessary by the correction shall also be made forthwith. If the number of misplaced ballots found indicates that the list of continuing candidates may be incorrect, so much of the sorting and transferring as may be required to correct the error shall be done over again before the count proceeds.

Subdivision 15. Every ballot that is transferred from one candidate to another shall be stamped or marked so as to show all the candidates to whom it is credited during the entire course of the count.

Subdivision 16. If, in correcting an error or in recounting the ballots, any ballots are resorted or re-transferred, every ballot shall be made to take the same course that it took in the original count unless the correction of an error requires its taking a different course.

Subdivision 17. The City Council may by ordinance adopt such rules and regulations as may be necessary or desirable to clear any ambiguity or facilitate the use of the above election method.

Sec. 4.11. *Voting machines.* The council shall have power to provide for the use of mechanical or other devices for voting or counting the votes in accordance with the principles set forth in this charter. For this purpose the council may modify the form of the ballot, the method of expressing choices and the arrangements for conducting the

election and the count, but no change shall be made which will alter or impair the principles of the voting or of the counting. A limitation of the voter to a maximum of not fewer than twenty choices shall not be regarded as such alteration or impairment.

### **Challengers and Watchers**

Sec. 4.12. *Public supervision and information.*

Subdivision 1. At each election, any candidate may appoint one person and one alternate to represent him as watcher and challenger at each polling place. Any person so appointed shall have all the rights and privileges prescribed by law for other watchers and challengers at any election in the same place, but a watcher and his alternate shall not have the right both to remain within the voting place at the same time. Such watchers and challengers may exercise their rights at the voting places until the ballots have been sent to the central counting place and may accompany the ballot boxes to the central counting place.

Subdivision 2. At each election any candidate may appoint one representative at the count in the central counting place who shall have authority to move anywhere within the central counting quarters and to inspect all activities of the count without interfering therewith.

Subdivision 3. The city manager and the director of the count shall permit candidates to make substitutions for persons originally appointed as watchers, challengers or representatives.

Subdivision 4. The candidates, representatives of the press and, so far as may be consistent with good order and convenience, the public shall be afforded every facility for being present and witnessing the count.

Subdivision 5. The ballots cast at each election shall be preserved by the city manager for six months after the election. Any candidate at an election shall have the right to have the ballots examined and recounted by officials appointed by the council on his own written petition if presented within 15 days after official certification of the result of the election upon depositing with the council a bond of \$250.00 conditioned upon his

paying the cost of such inspection. Any qualified 10 electors, upon their written petition, shall have the same right upon deposit of the same bond, if their petition is presented within 30 days after official certification of the result of the election. The recount and examination shall be completed within 30 days after the deposit of said bond.

## CHAPTER 5

### Initiative, Referendum and Recall

Sec. 5.01. *Powers reserved by the people.* The people of Hopkins reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require ordinances passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum and the recall, respectively.

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 service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationery, copying, printing, advertising and notaries' fees. The committee, at least five days before the election, shall file with the city manager a financial statement verified by a member of the committee, which shall show in itemized detail, all receipts, with the source thereof, and all disbursements and all obligations to make disbursements. Any violation of the provisions of this section shall constitute a misdemeanor.

Sec. 5.03. *Further regulations.* The council may as soon as possible after the organization of the city government under this charter provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

### Initiative

Sec. 5.04. *Initiation of measures.* Any five electors may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the city manager together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Sec. 5.05. *Form of petition and of signature papers.* The petition for the adoption of any measure shall consist of the measure, 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 ten per cent of the total number of votes cast at the last preceding regular municipal 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 (or resolution, as the case may be) to \_\_\_\_\_ (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure 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 measure hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

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

*Sec. 5.06. Filing of petitions and action thereon.*

All the signature papers shall be filed in the office of the city manager as one instrument. Within five days after the filing of the petition the city manager shall ascertain by examination the number of electors whose signatures are appended thereto, and whether this number is at least ten percent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 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 manager shall file the same in 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 measure to the electors at the next regular or any special election, at its option.

*Sec. 5.07. Action of council on petition.* Whenever the petition shall be found to be sufficient, the city manager 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 measure and refer it to an appropriate council committee, which may be a committee of the whole. The council committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than 65 days after the date upon which such measure was submitted to the council by the city manager. If the council shall fail to pass the proposed

measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to four-fifths of the petitioners as shown by a certificate filed by the petitioners with the city manager, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least 15 percent of the total number of voters voting at the last regular municipal election, then the council shall call a special election upon the measure to be held not less than 30 nor more than 45 days after the date on which the council finally acts on the measure, or within the same time after passage of 65 days without final action, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city manager within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

*Sec. 5.08. Initiative ballots.* Subdivision 1. The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "yes" or "no." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Subdivision 2. In case of the simultaneous adoption of two initiated ordinances containing inconsistent provisions, the one adopted by the larger majority shall prevail.

*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 15 per cent of the total vote at the last regular municipal election be filed with the city manager requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the said ordinance at its next regular meeting, and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order an election to be held thereon, pending which the ordinance shall remain suspended. If a majority of the voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified.

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 measures 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. A referendum petition shall read as follows:

### Referendum Petition

proposing the repeal of an ordinance to (stating the purpose of the measure), 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
1. _____	_____
2. _____	_____
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 may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city manager the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words and their intention to bring about his 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 manager together with all the signature papers and affidavits thereto attached. It shall be signed by a number of voters equal to at least 25 per cent of the total number of votes cast at the last preceding regular municipal 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:

### Recall Petition

proposing the recall of \_\_\_\_\_  
from his office as \_\_\_\_\_, which recall  
is sought for the reasons set forth in the attached  
certificate. This movement is sponsored by the fol-  
lowing committee of electors:

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

The undersigned electors, understanding the  
nature of the charges against the officer herein  
sought to be recalled, desire the holding of a recall  
election for that purpose.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____

At the end of the list of signatures shall be ap-  
pended the affidavit of the circulator, mentioned  
above.

Sec. 5.15. *Filing of petition.* Within 30 days  
after the filing of the original certificate, the com-  
mittee shall file the completed petition in the office  
of the city manager, who shall examine the same  
within the next five days, and if he finds it irregu-  
lar in any way, or finds that the number of signers  
is less than 25 per cent of the total number of  
votes cast at the last preceding regular municipal  
election, shall so notify one or more members of  
the committee. The committee shall then be given  
ten days in which to file additional signature pa-  
pers and to correct the petition in all other respects,  
but they may not change the statement on the  
grounds upon which the recall is sought. If at the  
end of that time the city manager finds the petition  
still insufficient or irregular, he shall notify all the  
members of the committee to that effect and shall  
file the petition in his office. No further action shall  
be taken thereon.

### Recall Election

Sec. 5.16. *Recall election.* If the petition or  
amended petition be found sufficient, the city  
manager shall transmit it to the council without  
delay, and shall also officially notify the person  
sought to be recalled of the sufficiency of the peti-  
tion and of the pending action. The council shall  
at its next meeting, by motion, provide for the  
holding of a special recall election not less than 30  
nor more than 45 days thereafter, provided that if  
any other municipal election is to occur within 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.* In the  
published call for the election, there shall be given  
the statement of the grounds for the recall and also,  
in not more than 500 words, the answer of the  
officer concerned in justification of his course in  
office.

Sec. 5.18. *Ballot.* Unless the officer whose re-  
moval is sought shall have resigned within ten  
days after the receipt by the council of the com-  
pleted recall petition, the form of the ballot at such  
election shall be as near as may be: "Shall A be  
recalled?" the name of the officer whose recall is  
sought being inserted in place of A, and the  
electors shall be permitted to vote separately "yes"  
or "no" upon this question.

Sec. 5.19. *Vacancy.* Any vacancy created by  
such resignation or recall shall be filled by the  
council in the same manner as any other vacancy.

## CHAPTER 6

### ADMINISTRATION OF CITY AFFAIRS

#### The City Manager

Sec. 6.01. *The city manager.* The city manager  
shall be the chief administrative officer of the city.  
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 or state. The city manager

shall be appointed for an indefinite period, and he shall be removable by the council at any time. If removed at any time after one year of service he may demand written charges and a public hearing on 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. During the absence or disability of the city manager the duties of his office shall be performed by some properly qualified person designated by the council.

**Sec. 6.02. Powers and duties of the city manager.** Subdivision 1. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by the council, the city manager shall control and direct the administration of the city's affairs. He shall have the powers enumerated in the following subdivisions of this section.

Subdivision 2. He shall be the chief of police, and shall see that this charter, the ordinances and resolutions of the city, and the laws of the city, state and nation are enforced.

Subdivision 3. Except as in this charter otherwise provided, he shall appoint and may remove the city clerk, the city assessor and all other city officers and employees, all appointments to be upon merit and fitness alone.

Subdivision 4. He shall each year, on the date of the first annual meeting of the council, appoint a physician as health officer, who shall have such power and perform such duties as may be provided by the laws of the state, or by the ordinances or resolutions of the council.

Subdivision 5. He shall exercise control over all departments and divisions of city administration created by this charter or which may be hereafter created by the council.

Subdivision 6. He shall attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude him from meetings at which the manner of his administration of his office is considered.

Subdivision 7. He shall 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.

Subdivision 8. He shall prepare the budget annually and submit it to the council and be responsible for its administration after adoption; prepare and submit it to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year; and keep the council advised of the financial condition and future needs of the city.

Subdivision 9. He shall perform such other duties as may be prescribed by this charter or required of him by ordinances or resolutions adopted by the council.

**Sec. 6.03. Departments of administration.** Upon the recommendation of the city manager, the council may create such departments, divisions and bureaus for the administration of the city's affairs, and may enact such administrative code for the city, as may seem necessary, and may from time to time alter the same.

### **Subordinate Officers**

**Sec. 6.04. Subordinate officers.** There shall be an assessor appointed for the city for the term of two years commencing on August first of each even numbered year. There shall also be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as shall be ordained by the council or provided by law. He may be designated to act as secretary of the council and also as treasurer. The council may by ordinance abolish offices which have been created by ordinance, and may combine the duties of various offices as it may see fit.



## **Purchases and Contracts**

Sec. 6.05. *Purchases and contracts.* The city manager shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made, and all contracts let by the city manager subject to the approval of the council. Such approval must be given in advance whenever the amount of such purchase or contract exceeds \$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 manager, and shall be executed in the name of the city.

## **Contracts**

Sec. 6.06. *Contracts.* In all cases of work to be done by contract, or for the purchase of personal property of any kind, where the amount involved is more than \$500.00, except in those cases where from the nature of the work to be done or the kind of property to be purchased it is apparent that no competitive bids therefor will be received, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts over \$500.00 shall be let to the lowest responsible bidder. The council may reject any and all bids. Nothing contained in this section shall prevent the purchasing of real or personal property on the instalment payment plan. Further regulations for the making of bids and letting of contracts may be made by ordinance, subject to the provisions of this charter.

## **CHAPTER 7**

## **Taxation and Finances**

Sec. 7.01. *Council to control finances.* Except as otherwise provided in this charter, the council shall have full authority over the financial affairs of the city.

Sec. 7.02. *Fiscal year.* The fiscal year of the city shall end each year on December 31st.

Sec. 7.03. *Board of equalization.* The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings on the last Monday in June to equalize the assessments according to law, or at such other adjourned meetings as it may designate.

## **The Budget**

Sec. 7.04. *Preparation of the annual budget.* The annual budget shall provide a complete financial plan for the budget year, showing all proposed expenditures and detailed estimates of all anticipated revenues applicable to proposed expenditures and any other information the council may require or the city manager may deem desirable. In parallel columns shall be shown the amounts, if any, granted and expended under similar heads for the past two complete fiscal years and, as far as possible, for the current year. The council may permit elimination from the budget estimates of expenditures of bond issue funds and special assessment funds. The budget shall be submitted to the council at its first regular meeting in August. It shall be a public record open to public inspection by any one and the city manager shall cause sufficient copies thereof to be prepared for distribution to the mayor, members of the council and interested persons.

Sec. 7.05. *Passage of the budget.* The council shall hold a public hearing on the budget at its first regular meeting in September, and it shall make such changes therein as it deems necessary and adopt the budget by resolution not later than the first day of October.

Sec. 7.06. *Enforcement of the budget.* Except as set forth in section 7.16, the city manager or the city council shall not approve any expenditure unless an appropriation has been made in the budget for same, nor any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding bills, orders and incumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purpose and to the amounts author-



ized in the budget. Except as in this charter otherwise provided, any obligations incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Sec. 7.07. *Alterations in the budget.* Except as set forth in section 7.16, after the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget are appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council may reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

### **Taxes**

Sec. 7.08. *Levy and collection of taxes.* On or before the first of October each year the council shall levy the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city manager shall transmit to the county auditor annually, not later than October 10th, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Sec. 7.09. *Tax settlement with county treasurer.* The city manager shall ascertain that all moneys in the county treasury belonging to the city are properly turned over to the city according to law.

### **Disbursements**

Sec. 7.10. *Disbursements.* The city manager shall issue and sign a check upon the proper city fund for each disbursement approved by the council. No check shall be issued until there is money to the credit of the fund out of which it is to be paid sufficient to pay the same. No claim against the city shall be allowed unless accompanied by an itemized bill, payroll, or time sheet signed by the responsible officer who has knowledge of the facts in the case vouching for the correctness of the claim. The council may by ordinance make further regulations for the safe-keeping and disbursement of the city's funds.

### **Funds**

Sec. 7.11. *Funds.* Subdivision 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.

Subdivision 2. There shall also be maintained in the city treasury such other funds, or divisions of funds, as the budget shall require or the city manager and council shall direct.

Sec. 7.12. All money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city manager by the person authorized to receive the same, without unnecessary delay. All such money, and also all money received upon tax settlements from the county treasurer, shall be deposited as soon as received by the city manager in a bank or banks approved by the city council.

Sec. 7.13. *Accounts and reports.* The city manager shall be the chief accounting officer of the city and he shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the

city as the council may require. Before February first each year, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year. This report shall follow the style and form, as far as practicable, prescribed by the Public Examiner of Minnesota for annual village financial reports and it shall be published in the official city paper.

### **Debt**

Sec. 7.14. *Bonded debt and debt limit.* Subdivision 1. In addition to all the powers in respect to borrowing and the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter, and any amendments thereto, the city shall have all the powers with reference to these matters authorized for cities of the same class by the laws of the state of Minnesota. The city shall also have the power to issue and sell its bonds to the state of Minnesota or to the United States, and to comply with all provisions of law relating to loans to municipalities from the state of Minnesota or the United States.

Subdivision 2. The council by a four-fifths vote may authorize the issuance of permanent improvement revolving fund bonds and bonds to pay for any improvement the cost of which is to be assessed against benefited property, or for any purpose authorized by this charter or the laws of this state which will produce revenue to the city, without submitting the issue to vote of the electors.

Subdivision 3. The council may by a majority vote of all of its members submit to the electors propositions for the issuance of bonds for any public purpose not prohibited by law, and no such bonds so voted on shall be issued except pursuant to a favorable vote of a majority of those voters who vote on the proposition of their issuance.

Subdivision 4. The total bonded debt of the city shall never exceed such per cent as the legislature may determine for cities of the same class as Hopkins, of the last assessed valuation of the taxable property therein, including the last valuation of moneys and credits, but in computing the total

bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included or counted if (1) held in a sinking fund maintained by such city; or (2) issued for any public convenience or service from which a revenue to the city is to be derived; or (3) issued to pay for any improvement the cost of which has been or is to be assessed against the benefited property; or (4) issued for the creation or maintenance of a permanent improvement revolving fund; or (5) for the purpose of anticipating the collection of general taxes for the year in which issued.

Sec. 7.15. *Form and repayment of bonds.* All bonds issued by the city shall be in regular numbered series. In no case shall bonds be issued to run for more than 20 years and all bonds shall mature serially as provided by Minnesota Statutes, Chapter 475. The purposes for which bonds are authorized shall be set forth in the ordinance or resolution authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose.

### **Emergency Bonds**

Sec. 7.16. *Emergency bonds.* If in any year the receipts from taxes or other sources should for some unforeseen reason become insufficient for the budgeted expenses of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may expend moneys for such extraordinary purposes and authorize the sale of emergency bonds to run not to exceed ten years and to bear interest at not to exceed six per cent per annum. As part of all succeeding budgets and until such bonds are paid, at least ten percent of any such emergency bond issues shall be included in the levy each year, beginning with the next year after issue. The authorization of an issue of such emergency bonds shall take the form of an ordinance approved by four-fifths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

## CHAPTER 8

### **Public Improvements and Special Assessments**

Sec. 8.01. *The City Plan.* The city council shall, with the assistance of the city manager, and if desired, of an advisory city planning commission, prepare and adopt a complete plan for the future physical development and growth of the city and such surrounding areas as the state law may permit. Such plan may be altered from time to time. It may include provisions for zoning, for the platting and development of new areas, for the planning and location of public buildings, parks, playgrounds, bridges, transportation lines and other public improvements and facilities, and for the laying out, grading and improving of public places, as well as for other matters which may seem essential to such a plan.

Sec. 8.02. *Enforcement of city plan.* The council shall have all necessary power to enforce complete adherence by all persons to the plan adopted as the city plan.

### **Improvements**

Sec. 8.03. *Local Improvements.* Subdivision 1. The council shall have power to make any local improvements deemed necessary for the health, welfare or convenience of the city and its inhabitants and assess the cost or such part thereof as it deems just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected.

Subdivision 2. Local improvements may be initiated either by a written petition describing the location and kind of improvement desired submitted to the council by property owners interested in such improvement or by a resolution passed by the council to investigate the necessity and feasibility of such local improvement. Before taking any further action, the council shall refer the

matter to a competent engineer of its selection who shall report to the council with all convenient speed. Such report shall show the properties affected and advise the council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution or in connection with some other improvement or improvements not included in the petition or resolution and the estimate of the cost of the improvement as recommended in the report.

Subdivision 3. On the filing of such report, the council shall by resolution fix a time and place when the engineer's report will be considered and action taken thereon and direct the city manager to give notice of such hearing by publishing a notice once in each week for two successive weeks in the official newspaper of the city. The notice shall describe in general language the improvement or improvements recommended in the engineer's report and the estimated cost thereof, but it need not include a description of the properties liable to be assessed therefor or the names of their several owners.

Subdivision 4. At the time fixed in the notice, or at some subsequent time or times to which the hearing may be adjourned, the council shall hear such persons as care to be heard in reference thereto.

Subdivision 5. If the proposed improvement is in the nature of streets, boulevards, alleys, sidewalk, curb, gutter, street lighting, or other improvement of a public way, the council may proceed with the improvement and levy assessments therefor, except that the council may not proceed with such improvement if 75 per cent or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement, which petition must be filed with the city manager not later than the date and hour set for the hearing of the engineer's report.

Subdivision 6. If the proposed improvement is in the nature of an extension of the water system or sanitary sewer or facilities connected to or a part of the municipal sewerage or water system, the council may proceed with the improvement and levy assessments therefor, except that the council may not proceed with such improvement if 90 per cent or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to said improvement, and giving their proper street addresses and description of their property to be affected by the improvement, and filed as provided in subdivision 5.

Subdivision 7. If the proposed improvement is of any nature other than the above, the council may proceed with the improvement and levy assessments therefor, except that the council may not proceed with such improvement if 51 per cent or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement, and filed as provided in subdivision 5.

Subdivision 8. At the conclusion of the hearing, the council shall determine by resolution whether the improvement or improvements as set forth in the engineer's report or any part thereof shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof in general language.

### **Special Assessments**

Sec. 8.04. *Special assessments.* Subdivision 1. The cost of any such improvement or any part thereof may be assessed upon property benefitted by the improvement, whether the property abuts on the improvement or not, based upon the benefits received. The council may pay such proportion of the cost of the improvement as the council may determine from general ad valorem levies. The improvement of two or more connecting streets and two or more types of improvement in or on the

same street may be included in one proceeding and conducted as one improvement.

Subdivision 2. At any time after a contract is let or the cost of the work is determined, the city manager, with the assistance of the engineer or other person selected by the council to perform the duties of engineer, shall forthwith calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of subdivision 1, and the proposed assessment so made up shall be filed with the city manager and be open to public inspection. The manager shall thereupon under the council's direction publish notice of the time and place when and where the council will meet to pass upon the proposed assessment, in the official paper at least 20 days prior to such meeting of the council. The notice shall state the general nature of the improvement and the area proposed to be assessed.

Subdivision 3. At such meeting the council shall hear and pass upon all objections to the proposed assessment, if any, and may amend the proposed assessment as to any parcel. When the assessment is adopted by resolution, it shall constitute the special assessment against the lands named therein. The assessment, with accruing interest thereon, shall be a lien upon the property included therein, concurrent with general taxes, and shall be payable in equal annual installments extending over such period, not exceeding 20 years, as the council determines. The first of the installments shall be payable on or before the first day of January of the year following the adoption of the assessment. Any deferred payments shall bear interest at such rate as the council determines, not exceeding six per cent per annum, from the date of the resolution levying the assessment.

Subdivision 4. Immediately after adoption of the assessment, the manager shall transmit a certified duplicate of the assessment, with each installment and interest set forth separately, to the county auditor of the county to be extended on the proper tax lists of the county. Such assessments shall be

collected and paid over in the same manner as other city taxes, but the owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment against any parcel or any annual installment, with interest, to the village treasurer.

Subdivision 5. Upon notice and hearing as provided for the original assessment, the council may make supplemental assessments to correct omissions, errors or mistakes in the assessment relating to the total cost of the improvement or otherwise.

Subdivision 6. In any case where an assessment or any part of an assessment under this act is, for any reason whatever, set aside as to any parcel of land, or in the event the council shall on advice of the city attorney determine that the assessment is or may be invalid for any reason, the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment to defray the expenses of the improvement.

Subdivision 7. Within 20 days after the adoption of the assessment, any person aggrieved who appeared and filed objections may appeal to the district court by serving a notice upon the mayor or manager of the city. The notice shall be filed with the clerk of the district court within ten days after its service. The city manager shall furnish appellant a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal.

## CHAPTER 9

### Acquiring Property

Sec. 9.01. *Power to acquire property.* The city of Hopkins is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property corporeal or incorporeal, either within or without its corporate boundaries, which may be desired by said city for any public use, convenience or purpose, or which may be necessary or desirable to enforce or administer any undertaking approved by the electorate at any election. In addition to the

power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, sewerage, heat, power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such public utility shall be consummated until authorized by vote of the people, and provisions for paying for the property proposed to be acquired has been made. Easements for slopes, fills, sewers, drainage, 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. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter.

Sec. 9.03. *Payment of award.* Whenever an award of damage shall be confirmed in any proceeding for the taking of property under this charter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall, within 60 days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Sec. 9.04. *City may abandon proceedings.* The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within 30 days after any commissioners appointed hereunder shall have filed their report with the clerk of court, or, in case of an appeal to the district or supreme court at any time within 30 days

after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs and expenses thereof, including a reasonable attorney's fee.

Sec. 9.05. *City may acquire entire plant.* In case the city shall condemn a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings, or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises, and rights which enter into and go to make up such system may unless otherwise ordered by the court, be treated together as constituting one property, and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

## CHAPTER 10

### Franchises

Sec. 10.01. *Franchises defined.* The word "franchise" as used in this chapter means any special privilege granted to any person, co-partnership, or corporation, in, over, upon or under any of the roads, highways, alleys or public places of the city, whether such privilege has been or shall hereafter be granted either by the city or the state.

Sec. 10.02. *Granting of franchises.* Subdivision 1. The council may grant franchises by ordinance, but in no case shall a franchise be granted by an emergency ordinance.

Subdivision 2. A proposed franchise ordinance shall be submitted to the city manager, and he shall render to the council a written report containing recommendations thereon.

Subdivision 3. Every ordinance granting or

extending any franchise shall contain all the terms and conditions of the franchise, and shall be published in the same manner as any other ordinance adopted by the council. The grantee named in the franchise shall bear the cost of publication of the franchise ordinance and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Subdivision 4. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Subdivision 5. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than 20 years.

## CHAPTER 11

### Utilities

#### OWNERSHIP, OPERATION AND DISPOSAL OF UTILITIES

Sec. 11.01. *Acquisition and operation of utilities.* The city shall have power to acquire public utilities as provided in Chapter 9 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Sec. 11.02. *Rates and finances.* Upon recommendations made by the city manager or upon its own motion, the council shall have the power to fix all rates and charges for water, light, heat, sewage disposal, gas and all other utilities, but such rates and charges 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 the manner in which service shall be measured and the rates computed, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

Sec. 11.03. *Purchase 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 interests 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 and subject to popular referendum. In no case shall such contract be for a longer term than ten years.

Sec. 11.05. *Public utility. How sold.* No public utility owned by the city whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in any ordinance passed by three members of the council in the usual way, and submitted to the electors at a general or special election and approved by the necessary number of votes of the electors voting thereon required by the laws of the state of Minnesota for the sale of waterworks or lighting plants.

## CHAPTER 12

### MISCELLANEOUS AND TRANSITORY PROVISIONS

#### **Publications**

Sec. 12.01. *Official publications.* The council shall annually designate one newspaper published in the city as the official paper in which shall be published such measures and matters as are by the laws of this state or the provisions of this charter required to be so published.

#### **Oaths**

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 Unit-

ed States and of this state, and to discharge faithfully the duties devolving upon me as (mayor, or councilman, or city manager, etc.) of the city of Hopkins to the best of my judgment and ability."

#### **Favors**

Sec. 12.03. *City officers not to accept favors or contracts.* Subdivision 1. No officer or employee of the city shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from, or by reason of any improvement, alteration, or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee unless such officer or employee, or the firm or corporation in which such officer or employee is interested, shall be the lowest bidder, or among the lowest, in which case the council may accept the same, but such contract or bid shall be in writing, and shall state explicitly the relation or interest of such officer or employee in such firm or corporation and shall be included in full in the official proceedings of the council.

Subdivision 2. No officer or employee of the city, except as otherwise provided in this charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally.

Subdivision 3. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he may be removed therefrom. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, personally, or as a member of a firm, or as an officer or director of a corporation, except as hereinafter provided, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.



### **Bonds of Officials**

Sec. 12.04. *Bonds.* The city manager and such other officers and employees of the city as the council may designate, shall each before entering upon the duties of their respective offices, give a corporate surety bond in the amount determined by the council to the city as security for the faithful performance of their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by at least three members of the council at having been so approved. They shall be filed with the city manager. The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with. The first city manager under this charter shall give a bond in the sum of \$5,000.00 but the council may increase this sum at any time. The premiums on the corporate surety bonds herein provided for shall be paid by the city.

### **Real Property Sales**

Sec. 12.05. *Sales of real property.* No real property of the city shall be disposed of except by ordinance. The proceeds of any such sale 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; but if there be no such outstanding indebtedness, then the council may by a resolution designate some other public use for such proceeds.

### **Vacating Streets**

Sec. 12.06. *Vacating of streets.* No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council and in compliance with the provisions of the general state law. A record of such vacation shall be made in the office of the register of deeds of the county.

### **Damage Suits**

Sec. 12.07. *Damage suits.* No action shall be maintained against the city on account of any in-

juries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city manager within 60 days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which, the same occurred, and that the persons injured or damaged will claim damages of the city therefor.

### **Judgments**

Sec. 12.08. *Recovery of judgment for damages.* If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening, or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening, or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

Sec. 12.09. *City to succeed to rights and obligations of former municipality.* The city of Hopkins shall remain vested with and continue to have, hold and enjoy, all property, property rights, rights of action, and rights of every kind, and all privileges and immunities now belonging to or pertaining to the village of Hopkins and shall be subject to all liabilities existing against said village at the time of the adoption of this charter.

Sec. 12.10. *Tenure of present officers.* The present officers of the village shall continue in their respective offices and functions and shall continue to govern in the usual manner until this charter has become effective, and the first election under the provisions of this charter has been held and the elective officers provided for by this charter have been elected and qualified. The village officers shall make such financial and other provisions as are usual and customary until the time when the officers, elected under this charter qualify and take office,



in order to carry on the government until a government has been set up under this charter, and they shall make provision for the first city election as provided for in this charter and the laws of the state.

### **Statutes Not Affected**

Sec. 12.11. *Statutes not affected by charter.* Subdivision 1. 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 Hopkins, and not inconsistent with the provisions of this charter, shall apply to the city of Hopkins and shall be construed as supplementary to the provisions of this charter.

Subdivision 2. The city shall have all powers and authority granted by the laws of this state to municipalities to acquire property or exercise authority or powers beyond the corporate limits. All powers by this section conferred shall be exercised conformably to this charter, and such authority and power shall not authorize the city to incur any bonded debt beyond the limitations, or in any other manner than authorized by this charter.

Sec. 12.12. *Existing ordinances, regulations, boards and commissions, continued.* All ordinances, regulations, boards and commissions of the municipality in force and existing when this charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended, repealed, vacated or abolished.

Sec. 12.13. *Pending condemnations and assessments.* Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the village or city prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

### **Ordinances**

Sec. 12.14. *Certain ordinances and powers.* Subdivision 1. For the purpose of promoting the health,

safety, morals or general welfare of the city, the council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population and the use of buildings, structures and land for trade, industry, business, residence or other purposes. It may declare the existence of and provide for the rehabilitation of blighted areas. It may provide for the acquisition and management of privately owned lands, buildings and other real and personal property interests by the city for any purposes in the public interest or welfare, and for the sale or any other disposal thereof, provide methods of procedure for any such purposes, and make any other provisions as may appear desirable for the purposes herein expressed.

Subdivision 2. The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

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### **Certificate of Commission**

We, the undersigned, being duly appointed, qualified and acting members of the Board of Freeholders (Charter Commission) in and for the Village of Hopkins, Hennepin County, Minnesota, hereby certify that the foregoing document, consisting of 12 chapters, is the draft of a proposed charter prepared and framed by said Board of Freeholders, and hereby affix our signatures to said draft in testimony of our approval thereof, and deliver the same to the Honorable F. M. Madden, President of the Council of said Village, as the chief magistrate or executive thereof, for action pursuant to law.

Dated at Hopkins, Minnesota, this 4th day of November, 1947.

JOSEPH C. VESELY  
ALFRED G. LARSON  
MARGARET L. McHALE  
A. L. FEUDNER  
F. F. SEFICK  
D. M. HOLCOMB  
HARRY WESTLING  
CLINTON BLOMQUIST

CARL TOWLEY  
S. C. GUSTAFSON  
F. M. MADDEN  
J. T. ANDERLA  
M. B. HAGEN  
J. L. MARKHAM  
W. S. SMETANA

The foregoing draft of a proposed Charter and certificate in connection therewith received this 4th day of November, 1947.

F. M. MADDEN,  
President of Village Council and  
chief magistrate or executive of  
the Village of Hopkins, Henne-  
pin County, Minnesota.