

**HOME RULE  
CHARTER**

*City of*  
**St. Louis Park**  
*Minnesota*

State of Minnesota  
Dept. of State

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**ST. LOUIS PARK CHARTER COMMISSION**

Maurice Adelsheim, Jr.....2809 Yosemite Avenue  
William R. Chapman.....2711 Kipling Avenue  
James S. Cullen.....2840 Glenhurst Avenue  
Everett A. Drake.....2608 Huntington Avenue  
Tres. F. Goetting.....4333 Coolidge Avenue  
Mrs. Gertrude Hognander.....6218 Hamilton Avenue  
Fred W. Kaepfel.....1800 Independence Ave. So.  
J. E. Adolph Karlsson.....2764 Utica Avenue  
Leland F. Leland.....2828 France Avenue  
Edmund T. Montgomery.....4320 Wooddale Avenue  
Mrs. Lydia Rogers.....4901 Excelsior Blvd.  
Edward Rouse.....2810 Ottawa Avenue  
Mrs. Catherine Westerdahl.....3029 Toledo Avenue  
Walter Wheeler.....2105 Glenhurst Avenue

## CHAPTER 1

### Name, Boundaries, Powers and Construction

SECTION 1.01. *Name and Boundaries.* Upon the taking effect of this charter, the Village of St. Louis Park in the County of Hennepin and State of Minnesota shall become a city under the name of the City of St. Louis Park, and shall continue to be a municipal corporation with boundaries the same as they now are established or as they may hereafter be established.

SECTION 1.02. *Powers of the City.* The City of St. Louis Park shall have perpetual succession; may sue and be sued; may use and alter its seal at pleasure; shall be capable of contracting and being contracted with; may take by purchase, condemnation, gift, devise, or otherwise, and hold, lease, sell and convey all such real and personal property as its purposes may require, or the transaction of its business may render convenient, within or without the limits of the city; may acquire, construct, own, lease, and operate public utilities, and render public service of every kind; may grant franchises or licenses for the construction, operation and maintenance of public utilities in, over, upon, and under the streets and public places in the city, and shall have power to fix and regulate the fares, tolls, or charges which may be collected, the extensions which shall be made, and regulate the services which shall be rendered by any owner or operator of a public utility franchise or license; may assess, levy, and collect taxes, for general or special purposes, on all subjects or objects which the city may lawfully tax; may borrow money on the faith and credit of the city or on a public utility or other property owned by the city or the revenues therefrom, by the issuance and sale of bonds or certificates of indebtedness; may appropriate the money of the city for all lawful purposes; may provide for, construct, regulate, and maintain public works and local improvements; may levy and collect assessments against real property within the city for local improvements and services including garbage and refuse collection and disposal; may license and regulate persons, corporations and associations engaged in any occupation, trade or business; may define, prohibit, abate, and suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances and causes thereof; may regulate the construction, height and materials used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use for whatever purposes of the streets and other public places; may make and enforce local police,

sanitary, and other regulations; may pass ordinances for maintaining and promoting the peace, good government, and welfare of the city, and for the performance of all the functions thereof; shall have all the powers possessed by municipal corporations at common law; shall have, retain and may exercise all powers, functions, rights and privileges, heretofore possessed by the Village of St. Louis Park; may exercise such powers beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein as now authorized by law; and in addition thereto, the City of St. Louis Park shall have and exercise all powers, functions, rights, and privileges exercised by, or which are incidental to, or inherent in, municipal corporations and are not denied to it by the constitution or general laws of the State of Minnesota. The enumeration of powers herein shall not be construed to limit or restrict the powers granted in general terms, nor shall any specific power granted in this charter be construed to limit or restrict the powers granted in this section. In addition to the powers herein and hereafter granted, the City of St. Louis Park shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the constitution and laws of the State of Minnesota.

SECTION 1.03. *Charter a Public Act.* This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days from and after its adoption by the voters.

## CHAPTER 2

### Government and Officers

SECTION 2.01. *Council-Manager Plan.* The form of government established by this charter shall be known as the "Council-Manager Plan." All discretionary powers of the city, both legislative and executive, shall vest in and be exercised by the city council. It shall have complete control over the city administration, but shall exercise this control exclusively through the city manager and shall not itself attempt to perform any administrative work.

SECTION 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, however, by ordinance create commissions with advisory powers to investigate any subject of interest to the municipality.

SECTION 2.03. *Elective Officers.* The council shall be composed of a mayor and six councilmen who shall be qualified voters. The mayor shall be elected at large for a term of two years. Two councilmen shall be

elected at large for terms of four years each, except that of the two such councilmen elected at large at the first election under this charter, the one receiving the lesser number of votes shall be elected for a term of two years. Four councilmen shall be elected for terms of four years each from four separate wards of the city, except that the councilman elected at the first election under this charter from ward number one, and the councilman elected at the first election under this charter from ward number three, shall be elected for terms of two years each. The councilman elected from a ward must be a resident of such ward and his ceasing to be a resident thereof shall cause a vacancy in the office of councilman from such ward; provided, that a change in ward boundaries during his term of office shall not disqualify him from serving out his term.

The term of the mayor and of each councilman shall begin on the first Monday after the first Tuesday in the month of January next following his election, and shall end when his successor has been duly elected and has qualified. The council shall be the judge of the election of its members.

Effective January 3, 1955, the city is divided into four separate wards as follows:

- (a) Ward No. 1 shall be the area comprising voting districts 1, 2, 3 and 9 of the Village of St. Louis Park as established by resolution of the Village Council adopted June 21, 1954.
- (b) Ward No. 2 shall be the area comprising voting districts 4, 5, 6 and 7 of the Village of St. Louis Park as established by resolution of the Village Council adopted June 21, 1954.
- (c) Ward No. 3 shall be the area comprising voting districts 10, 11, 12 and 13, of the Village of St. Louis Park as established by resolution of the Village Council adopted June 21, 1954.
- (d) Ward No. 4 shall be the area comprising voting districts 8, 14, 15, 16 and 17, of the Village of St. Louis Park as established by resolution of the Village Council adopted June 21, 1954.

The boundaries of the four wards shall be redetermined from time to time by ordinances duly adopted by the council, and based on findings of the council that the wards as so redetermined are of as near equal size in both population and area as practicable. After each decennial census of the United States, the council shall redetermine ward boundaries, and if the council shall fail to do so within a period of two years after the official certification of the decennial census, no further remuneration shall be paid to the mayor or councilmen until the wards of the city are duly redetermined as required by this charter.

SECTION 2.04. *Disqualification for Appointive Office.* No member of the council shall be appointed acting or permanent city manager, nor shall any member hold any other paid municipal office or employment under the city; and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid office or employment under the city. This provision shall not become effective until one year after the adoption of this charter.

SECTION 2.05. *Vacancies in the Council.* A vacancy in the council 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 new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. 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.

SECTION 2.06. *Justices of the Peace.* Until a municipal court is established pursuant to state law, there shall be two justices of the peace of the city who shall have all power and authority now vested in the justices of the peace of the Village of St. Louis Park under village law. The present two justices of the peace of the village shall continue as such justices of the peace of the city until their present terms respectively expire. The Council shall fill any vacancy in the office of justice of the peace by appointment made by resolution of the council. Such appointee shall hold office until the next regular municipal election. Two justices of the peace shall be elected at each regular municipal election for terms of two years. Upon the establishment of a municipal court the office of justice of the peace shall be abolished.

SECTION 2.07. *The Mayor.* The mayor shall be the presiding officer of the council, except that a president pro tem shall be chosen to hold office at the pleasure of the council, who shall act as mayor in case of the mayor's disability or absence from the city. The mayor shall vote as a member of the council. 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 civil process, and by the governor for the purposes of martial law. He shall study the operations of the city gov-

ernment 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 he may, with the consent of the council, take command of the police, maintain order and enforce the law.

SECTION 2.08. *Salaries and Expenses.* The mayor and each councilman shall receive each year reasonable remuneration or salary, the amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. Until the first such ordinance is duly adopted the mayor and each member of the council shall receive such salaries and compensations as were received by the president and trustees respectively of the Village of St. Louis Park. When authorized by the council its members shall be remunerated for their reasonable expenses incurred in connection with the city's business. The City manager and all subordinate officers and employees of the city shall receive such reasonable compensation as may be fixed by the council.

SECTION 2.09. *Investigation of City Affairs.* The council shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books, papers and other documentary evidence. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the city government, or it may cause to be made any survey or research study of any problem affecting the city or its inhabitants. Each such investigation shall be authorized by resolution of the council.

SECTION 2.10. *Interference with Administration.* Except for the purpose of inquiry the council and its members shall deal with and control the administrative services 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.

### CHAPTER 3

#### Procedure of Council

SECTION 3.01. *Council Meetings.* On the first Monday after the first Tuesday in January following a regular municipal election, the council shall meet at the city hall at the usual 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 times as may be prescribed by resolution, except that they shall meet at a fixed time not less than once each month. 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 to each member or be left at the member's usual place of residence with a person of suitable age and discretion then residing therein, or written notice thereof shall be left in a conspicuous place at the residence if no such person be found there. The presence of any member of the council at a special meeting shall constitute a waiver of any formal notice unless he appears for the special purpose of objecting to the holding of such meeting. The council may provide by ordinance a means by which a minority may compel the attendance of absent members. All meetings of the council shall be public and any person shall have access to the minutes and records thereof at all reasonable times. The mayor and each councilman shall have one vote.

SECTION 3.02. *Secretary of Council.* The council shall choose a secretary and such other officers and employees as may be necessary to serve at its meetings. The secretary shall keep the journal of minutes or proceedings and such other records and perform such other duties as may be required by this charter or by vote of the council. The council may designate any official or employee of the city, except the city manager or a member of the council, to act as secretary of the council.

SECTION 3.03. *Rules of Procedure and Quorum.* The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all the council members shall constitute a quorum to do business, but a less number may adjourn from time to time.

SECTION 3.04. *Ordinances, Resolutions and Motions.* Except as otherwise provided in this charter, all legislation shall be by ordinance. Every ordinance and resolution shall be presented in writing and read in full at a council meeting; provided, however, that the reading of a resolution or an ordinance may be dispensed with by unanimous consent. All administrative business may be transacted by ordinary motion. Upon the vote on ordinances, motions, and resolutions the ayes and noes shall be recorded unless the vote is declared unanimous. A majority vote of all of the members of the council shall be required for the passage of all ordinances, motions, and resolutions except as otherwise provided in this charter.

SECTION 3.05. *Procedure on Ordinances.* The enacting clause of all ordinances passed by the council shall be in the words, "The City of St. Louis Park does ordain." Every ordinance other than emergency ordinances shall have two public readings in full, except as provided in Section 3.04, and at least seven days shall elapse between the first

reading or waiver thereof and second reading or waiver thereof. All legislation prescribing a penalty for violation thereof shall be enacted in the form of ordinances.

SECTION 3.06. *Emergency Ordinances.* An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared, passed by a vote of at least five members of the council, as recorded by ayes and noes. No prosecution shall be based upon the provisions of any emergency ordinance until the same has been filed with the city clerk and posted in three conspicuous places in the city and twenty-four hours after such filing and posting shall have elapsed or until the ordinance has been published unless the person, persons, firm or corporation charged with violation thereof shall have had actual notice of the passage thereof prior to the act or omission complained of. No grant of any franchise shall ever be made by an emergency ordinance.

SECTION 3.07. *Signing and Publication of Ordinances and Publication of Minutes.* Every ordinance passed by the council shall be signed by the mayor, or by three other members of the council, and attested by the city clerk upon passage thereof and shall be by him filed and recorded in a book kept for that purpose and preserved. Every ordinance shall be published at least once in the official newspaper of the city. All resolutions and motions duly passed at each meeting of the council may, in the discretion of the council, be published in full or in part in the official newspaper of the city. Any administrative rule or regulation of any department of the State of Minnesota affecting the city, or any statute of the State of Minnesota, or any published code, specifications or regulations prepared by an official or unofficial organization for general circulation and use may be adopted and incorporated in an ordinance by reference thereto and by marking three copies thereof as "official copies" and filing them for reference and inspection in the office of the city clerk, and the publication requirements of this charter shall be as fully satisfied in such cases by this method as if the said material had been set forth in the ordinance in full.

SECTION 3.08. *When Ordinances and Resolutions Take Effect.* Emergency ordinances, except as provided in Section 3.06 of this chapter, and ordinances making the annual tax levy, disbursing money, determining the annual budget and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances enacted by the council shall take effect fifteen days after the date of their publication, unless a later effective date is fixed therein. All resolutions shall take effect upon their passage.

SECTION 3.09. *Amendment and Repeal of Ordinances.* No ordinance or section thereof shall be amended or repealed except by ordinance. Every repealing ordinance shall refer to the ordinance repealed by title, date of passage and section number or numbers. No ordinance or section thereof shall be amended by reference to its title alone, but such amending ordinance shall set forth in full each section or subsection as amended; provided, however, that this requirement shall not apply to amendments to zoning ordinances.

SECTION 3.10. *Revision and Codification of Ordinances.* The ordinances of the city shall within five years from the adoption of this charter, and at intervals thereafter of not more than ten years, be revised, rearranged and codified with such additions and deletions as may be deemed necessary by the council. Such codification shall be published in book or continuously revised loose-leaf form and copies thereof made available by the council at the office of the city clerk for general distribution to the public at a reasonable charge. Such publication shall be a sufficient publication of all the ordinances contained therein. Every book shall contain a printed certificate of the mayor, attested to by the city clerk, that the publication is correct; and such book so published shall be received in evidence in all courts for the purpose of proving the ordinances therein contained, the same as though the original ordinances were produced in court.

## CHAPTER 4

### Nominations and Elections

SECTION 4.01. *General Election Laws to Apply.* Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this charter. The council shall, through ordinances duly adopted in compliance with such state laws and this charter, adopt suitable and necessary regulations for the conduct of such elections.

SECTION 4.02. *Regular Municipal Elections.* A regular municipal election shall be held on the first Tuesday after the first Monday in December, 1955, and on the same day every two years thereafter at such place or places as the city council may designate by resolution. The council may divide the city into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one voting precinct and no precinct shall be in more than one ward. At least fifteen days' notice shall be given by the city clerk of the time and places of holding such election, and of the officers to be elected, by post-

ing a notice thereof in at least one public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the city, but failure to give such notices shall not invalidate such election.

SECTION 4.03. *Primary Elections.* The council may, whenever three or more candidates have filed for any citywide office, or for councilman of any ward, or wards, provide through ordinance or resolution for a primary election to be held, citywide or in any particular ward, or wards, and such primary election shall be held on a date not less than fourteen (14) days prior to the general election.

SECTION 4.04. *Special Elections.* The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three weeks' published notice be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections.

SECTION 4.05. *Judges and Clerks of Election.* The council shall at least ten (10) days before each municipal election appoint three qualified voters of each voting precinct to be judges of election therein and two qualified voters of the same precinct to be clerks of election, or as many more or less as may be determined by the council. No person signing or circulating a petition of nomination of a candidate for election to office shall be eligible to serve as judge or clerk of such election.

SECTION 4.06. *Nominations by Petition.* The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk. Such petition shall be signed by at least ten electors qualified to vote for the office in question. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the city clerk at least sixty days before the election. The clerk shall prepare the ballots with names of the candidates for an office in a manner to be provided by ordinance. Each petition, when presented, must be accompanied by a five dollar (\$5.00) filing fee.

SECTION 4.07. *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 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 nominee shall indicate by an endorsement upon the petition that he will accept the office if elected thereto. The form of the nomination petition shall be substantially as follows:

#### NOMINATION PETITION

We, the undersigned, electors of the City of St. Louis Park, hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and we individually certify that we are qualified electors and that we have not 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 is the circulator of the foregoing petition paper containing signatures, and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

This petition, if found insufficient by the city clerk, shall be returned to \_\_\_\_\_ at Number \_\_\_\_\_ Street.

I hereby indicate my willingness to accept the office of \_\_\_\_\_ if duly elected thereto.

SECTION 4.08. *Canvass of Elections and Taking of Office.* The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk, and said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with a declaration of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election;



(f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the city clerk the required oath of office.

## CHAPTER 5

### Administration of City Affairs

SECTION 5.01. *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 but he shall be a citizen of the United States. The city manager shall be appointed for an indefinite period and he shall be removable by the council at will, provided, however, that if removed at any time after three years of service, he may within fifteen days after his removal demand written charges and a public hearing on the same before the council; but pending and during such hearing the council may suspend him from office, with or without pay. Such public hearing shall take place within thirty days after the demand for the same and the written charges shall be furnished him by the council at least ten days before the hearing. During the suspension, absence or disability of the city manager, or in case of a vacancy in the office of the city manager, the duties of his office shall be performed by some properly qualified person designated by the council as acting manager.

SECTION 5.02. *Powers and Duties of the City Manager.* 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. His powers and duties shall be:

(a) To enforce this charter and the laws, ordinances and resolutions of the city;

(b) To appoint, suspend and remove, with the consent and approval of the council, all city officers and employees except as in this charter otherwise provided;

(c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council;

(d) To 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 his removal is considered;

(e) To recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

(f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;

(g) To perform such other duties as may be prescribed by this charter or required of him by ordinances or resolutions adopted by the council.

SECTION 5.03. *Departments of Administration.* The council may create such offices, departments, divisions and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter the powers and organization of the same. It may enact in the form of an ordinance such administrative code for the city as may seem necessary and may amend the same from time to time.

SECTION 5.04. *Subordinate Officers.* There shall be a city clerk, city treasurer, city attorney and such other officers subordinate to the city manager as the council may provide for by ordinances. The city attorney shall be appointed by the council. 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. He may be designated to act as secretary of the council. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

SECTION 5.05. *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, provided that the approval of the council must be given in advance whenever the amount of such purchase or contract exceeds \$1,000.00. 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.

SECTION 5.06. *Contracts. How Let.* In all cases of contracts for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the city, except street surfacing, which require an expenditure of more than \$1,000.00, unless the council shall

by an emergency ordinance otherwise provide, the city manager shall advertise for bids by at least one week's published notice in the official newspaper. Contracts and purchases in excess of \$1,000.00 shall be let to the lowest responsible bidder as determined by the council. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting for the doing of work with patented processes, or from the purchasing of patented appliances.

SECTION 5.07. *Further Purchase Regulations.* Further regulations for the making of bids and the letting of contracts may be made by ordinance, subject to the provisions of this charter.

## CHAPTER 6

### Taxation and Finance

SECTION 6.01. *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 moneys. In the exercise of a sound discretion it shall make provisions for the payment of all liabilities and expenses. The council shall establish the fiscal year for the city.

SECTION 6.02. *Power of Taxation.* The city shall have, in addition to the powers by this charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the state which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the city for general city purposes shall not exceed 30 mills on each dollar of the assessed valuation of the property taxable in the city. In calculating such limit, the assessed value of property used for homestead purposes shall be determined as now provided in Minnesota Statutes, Section 273.13, Subdivision 7a.

The following taxes may be levied in addition to the levies above authorized:

(1) A tax for the payment of principal and interest on outstanding obligations of the city as now provided by Minnesota Statutes, Sections 475.61, 475.73 and 475.74.

(2) A tax for the payment of judgments as now authorized by Minnesota Statutes, Section 465.14.

(3) A tax for the support and relief of the poor, as now authorized by Minnesota Statutes, Section 263.05.

(4) A tax for band purposes as now authorized by Minnesota Statutes, Section 449.09.

(5) A tax for advertising purposes, as authorized by Minnesota Statutes, Sections 465.56 and 465.57.

(6) A tax for the support of a public library, as now authorized by Minnesota Statutes, Section 134.07.

(7) A tax for firemen's relief association purposes as now authorized by Minnesota Statutes, Section 424.30, or other Statutes.

(8) Such other special taxes as may now or hereafter be authorized by law.

The city council may also levy a tax in any year against real and personal property within the city in addition to said 30 mill limitation and the levies specified in subdivisions 1 through 8 above, provided it shall:

(a) Adopt a resolution declaring the necessity for an additional tax levy and specifying the purposes for which such additional tax levy is required.

(b) Hold a public hearing pursuant to three weeks' published notice in the official newspaper of the city setting forth the contents of the resolution described in subdivision (a).

(c) Adopt after such public hearing a resolution by an affirmative vote of at least six members of the council which resolution provides for such levy.

SECTION 6.03. *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 assessed valuations according to law, and a published notice of such meeting shall be given in the official newspaper of the city at least fifteen days prior to the day of said meeting.

SECTION 6.04. *Preparation of Annual Budget.* The city manager shall prepare the estimates for the annual budget which shall include any estimated deficit for the current year. The estimates of expenditures shall be submitted by each department to the city manager. Each estimate shall be divided into three major subdivisions as follows: (a) Salaries and Wages, (b) Ordinary Expenses, (c) Capital Outlay. Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify the request. Ordinary expenses shall be broken down into such detail as the city manager shall direct. Capital Outlay shall be itemized as to items and amounts.

In parallel columns shall be added the amounts expended under similar heads for the two preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the city manager shall prepare a detailed statement of revenues collected for the two preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The estimates shall be submitted to the council at its first regular monthly meeting in August. The city manager shall submit with estimates such explanatory statement or statements as he may deem necessary, and during the first two years under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city finances with those of the previous government of the city as may be feasible and pertinent.

SECTION 6.05. *Passage of the Budget.* The budget shall be the principal item of business at the first regular monthly meeting of the council in August, and the council shall hold subsequent meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions. The budget estimates shall be read in full and the city manager shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in such detail as may be determined by the city council, the complete financial plan of the city for the ensuing fiscal year, and shall be signed by the majority of the council upon being 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 the plan indicated in Section 6.04. The total sum appropriated shall not exceed the total estimated revenue. The council shall adopt the budget during the month of September by ordinance which shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 6.04.

SECTION 6.06. *Enforcement of the Budget.* It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unencumbered 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 orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation 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.

SECTION 6.07. *Alterations in the Budget.* 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 shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other. The council may at any time, by ordinance passed by a vote of at least four members of the council, reduce salaries or the sums appropriated for any purpose by the budget, or by vote of at least six members of the council authorize the transfer of sums from the unexpended balances of the budget to other purposes.

SECTION 6.08. *Emergency Appropriation in Budget.* The council shall have power to establish an emergency appropriation as a part of the budget, but not to exceed ten per cent of the total budget. Transfers from the emergency appropriation to any other appropriation shall be made only by a vote of at least six members of the council. The sums transferred to the several departments or divisions shall be considered as a part of such appropriations and shall be used only for the purposes designated by the council.

SECTION 6.09. *Levy and Collection of Taxes.* On or before the 5th of October each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the 10th of October, 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 a suspense fund, and shall be used to reduce the levy for the ensuing year.

SECTION 6.10. *Tax Settlement with County.* The city treasurer shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

SECTION 6.11. *Disbursements. How Made.* All disbursements shall be made only upon the order of the city manager and city clerk, duly authorized by a resolution or motion of the council, and every such

order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The treasurer shall issue no check upon any city funds except upon such order. In the discretion of the council the order and check may be a single instrument. No claim against the city shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the responsible city officer who vouches for the correctness and reasonableness thereof. The council may by ordinance make additional regulations for the safekeeping and disbursement of the city's funds. The council may by resolution or motion provide for the regular payment without specific individual authorization by the council of salaries and wages of regular employees, laborers, and fixed charges which have been previously duly and regularly incurred.

SECTION 6.12. *Funds to be Kept.* There shall be maintained in the city treasury the following funds:

(a) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.

(b) A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time.

(c) A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

(d) A special assessment fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or certificates of indebted-

ness sold by the city in anticipation of assessment collections; and the proceeds of inter-fund loans; (3) amounts from other city funds representing either (a) apportionments of costs against the city at large, (b) benefit assessments against city property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects that are financed through the fund; (2) the redemption of all special assessment fund bonds and certificates of indebtedness, with interest, at or before maturity; and any inter-fund loans; (3) transfers to the general fund of any unencumbered surplus of the fund, in the discretion of the council; and (4) abatements of assessments and refunds of receipts in error. The council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments the council may by a majority vote issue and sell bonds and certificates of indebtedness, pledging the full faith and credit of the city, or pledging only special assessments, in such amounts and maturities as it may determine, regardless of the provisions of Section 6.16 of this chapter; provided that the aggregate amount of such bonds and certificates outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and uncollected; (2) assessable cost of work in progress, and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall upon completion be certified by the city manager as to total cost, which shall thereupon be apportioned by the council either as assessments against benefited property or as amounts due from other city funds. Amounts apportioned against other city funds shall be due not later than the dates of adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one year after the due dates.

(e) A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.

In addition to the foregoing funds, there may be maintained in the city treasury, whenever the council deems it advisable, the following funds:

(f) A working capital or revolving fund, for financing self-sustaining activities not accounted for through other funds.

(g) A trust and agency fund, for the care and disbursement of money received and held by the city as trustee or custodian or in the capacity of an agent for individuals or other governmental units.

(h) Such other funds as may be required by statute or ordinance.

In lieu of establishing any of the three foregoing types of funds, (f), (g), and (h), the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The council shall have full power to make by duly adopted ordinance such inter-fund loans, except from funds held under subsection (g) hereof, as it may deem necessary and appropriate from time to time.

SECTION 6.13. *Receipts to Go to City Treasurer.* All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city treasurer by the person authorized to receive the same. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as possible in a bank or banks approved by the city council, subject to state laws regulating the designation of depositories for municipal funds.

SECTION 6.14. *Accounts and Reports.* The city manager shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances in accord with it. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, 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. Once each year, on or before the last day of January, the city manager shall submit a report to the council covering the financial operations of the city for the past year. This report shall show the actual total receipts and actual total expenditures, omitting duplications, and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the

total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each; the condition of all the annual budget allowances; and an inventory of all the property owned by the city; and such further information as the council and other city officials and the taxpayers should have. The council may at any time and shall annually provide for an audit of the city finances by a certified public accountant or by the department of the state authorized to make examinations of the affairs of municipalities. On or before the first day of April in each year the city manager shall prepare a complete financial statement in form approved by the council of the city's financial operations for the preceding calendar year, which statement may be published in such manner as the council may direct and a summary thereof shall be published in the official newspaper on or before April 10th of each year.

SECTION 6.15. *Bonded Debt and Debt Limit.* (a) In addition to all the powers in respect to borrowing and the issuance of bonds and other obligations for the payment of money specifically or impliedly granted by this charter, and any amendments thereto, the city shall have all the powers in reference to these subject matters granted to cities of its same class by the laws of the State of Minnesota in force from time to time. The city shall have the power to issue and sell its bonds to the State of Minnesota and to comply with all provisions of law relative to loans to municipalities from the permanent state funds. The city shall also have such powers as are necessary to obtain loans or funds from the Government of the United States and any of its instrumentalities or from the State of Minnesota or any of its instrumentalities, and to comply with all provisions of law relative to obtaining such loans or funds.

(b) The council by a vote of at least six of its members may authorize the issuance of bonds to provide funds for any public purpose not prohibited by law, or may in its discretion by a majority vote of all of its members submit to the voters propositions for the issuance of such bonds. When such a proposition is submitted to the voters, no bonds or other term obligations of the city may be issued except pursuant to a favorable vote of a majority of those voters who vote on the proposition of their issuance. By the proceedings for the issuance of any bonds, by the terms of the bonds and by agreements with the purchasers of bonds, they may be made special in character and limited in their payment to earnings or to part earnings and part tax funds. To the extent that they are thus payable out of earnings or other than tax funds, such bonds shall not be paid out of taxes. The total bonded debt of the city at the

time of the issuance of any bonds shall not exceed ten per cent of the last assessed valuation of the taxable property therein, or the limit authorized by state law for cities of the same class, whichever is the greater, but in computing the total bonded debt, certificates of indebtedness, bonds, warrants or other obligations issued before or after the adoption of this charter shall not be included or counted if (1) held in a sinking fund maintained by the city; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by the city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches, storm and sanitary sewers, or for the acquisition of lands for streets, parks, or other public improvements or for the improvement thereof, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such improvements; or (3) issued for the creation of maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

SECTION 6.16. *Form and Repayment of Bonds.* No bonds shall be issued to run for longer than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the resolution authorizing such bonds, and in no case shall bonds be issued to run for more than thirty years. The purposes for which bonds are authorized shall be set forth in the resolution authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the city manager to include in his budget estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be still outstanding. It shall be the duty of the council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget which it passes.

SECTION 6.17. *Debt and Tax Anticipation Certificates.* (a) If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, as provided for in the budget, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed eighteen months and to

bear interest at not more than six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by at least five of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance. (b) For the purpose of providing necessary moneys to meet authorized expenditures, the council may issue certificates of indebtedness in any year prior to the receipt of taxes payable in such year, such certificates to be repaid out of such taxes before the end of such year, on such terms and conditions as it may determine, bearing interest at a rate not to exceed six per cent per annum; provided that such certificates outstanding at any one time shall not exceed forty per cent of the tax levy payable in the current year belonging to the fund for the benefit of which the borrowing is authorized.

SECTION 6.18. *Bonds Outside the Debt Limit.* Without limit as to amount, the council may issue bonds for legal purposes outside of the debt limit: (a) for the creation and maintenance of a permanent improvement revolving fund, (b) for extending, enlarging, or improving water supply system, lighting and heat and power plants, or either, or other revenue-producing public utilities of whatever nature, owned and operated by the city, or of acquiring property needed in connection therewith, (c) for public improvements payable from special assessments. The council may also purchase equipment for street department, water or sewer utility or fire department use on conditional sale contracts, provided that the installment payments do not extend beyond the estimated useful life of the equipment so purchased.

## CHAPTER 7

### Public Improvements and Special Assessments

SECTION 7.01. *The City Plan.* The city council shall, with the assistance of the city manager, and an advisory city planning commission, prepare and adopt a complete plan for the future physical development of the city. 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 works of art, public buildings, parks, playgrounds, bridges, transportation lines, and other public facilities, and for the laying out, grading and improving of streets and public places, as well as for all other matters which may seem essential to such a plan.



SECTION 7.02. *Enforcement of City Plan.* The council shall have all necessary power, acting through the city manager, to enforce complete adherence by all persons to the plan adopted as provided above, and to adopt and enforce a comprehensive zoning ordinance. The council shall have power to pass ordinances to regulate the use of private property, the height of buildings, and the proportion of the area of any lot which may be built upon and to establish building lines. Such power shall be exercised to promote public health, safety, morals, welfare and convenience.

SECTION 7.03. *Public Improvements and Special 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 to pay for all such improvements as are of a local character. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvements, including all costs and expenses connected therewith, with interest, until paid, but shall not exceed the benefits to the property.

SECTION 7.04. *Local Improvements.* After this charter takes effect, all local improvements commenced prior thereto shall be completed and assessments may be levied and securities may be issued for the financing thereof as prescribed by the village law applicable thereto. The council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor, and such ordinance when adopted shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least five members of the council. Until the adoption of such an ordinance, and in absence of such ordinance, all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

SECTION 7.05. *Public Works. How Performed.* Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by day labor or by contract. The city shall require contractors to give bonds for the protection of the city and all persons furnishing labor and materials, pursuant to the statutes of the state.

## CHAPTER 8

### Eminent Domain

SECTION 8.01. *Power to Acquire Property.* The City of St. Louis Park 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 needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, 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 a vote of at least 60 per cent of the votes cast on such question at a regular or special municipal election and provision for paying for the property proposed to be acquired has been made. 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.

SECTION 8.02. *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 legal proceedings, 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.

SECTION 8.03. *Payment of Award.* Whenever an award of damages 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 sixty days of such final determination, pay the amount 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.

SECTION 8.04. *City May Abandon Proceedings.* The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty 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 reasonable costs and expenses thereof, including fees of counsel.

SECTION 8.05. *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 acquiring only such part or parts thereof as may be necessary in the public interest.

## CHAPTER 9

### Franchises and Public Utilities

SECTION 9.01. *Definition of Franchises.* The word "franchise" as used in this charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the city, whether such privileges have been or shall hereafter be granted either by the city or by the State of Minnesota.

SECTION 9.02. *Franchise Ordinances.* The council may grant franchises by ordinance adopted by an affirmative vote of at least five members of the council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 9.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, persons or other entity desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, may be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the city clerk.

SECTION 9.03. *Cost of Publication of Franchise.* The grantee shall bear the cost of publication of the franchise ordinances and shall deposit

sufficient cash to guarantee the publication before the ordinance is passed.

SECTION 9.04. *Power of Regulation Reserved.* The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the Village of St. Louis Park or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

SECTION 9.05. *Rates and Charges.* Every public utility making use of the streets or public places within the city shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the city and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these limits the determination of maximum rates, fares or charges to be charged by any public utility for service rendered to the city or to any person, persons, firm or corporation within the city shall be made, if possible, by direct negotiations between the public utility and the council. In case of failure to reach an agreement by this method within a reasonable time the council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of the rates, fares or charges to be made by the public utility; provided, however, that the rates, fares or charges so fixed by arbitration shall not be binding on the city for more than five years.

SECTION 9.06. *Provisions of Franchises.* (a) Every franchise shall contain, among other things, provisions relating to the following:

- (1) The term of the franchise granted, which shall not exceed 25 years.
- (2) Rates, fares and charges to be charged by the public utility in compliance with the terms and provisions of Section 9.05.
- (3) The rights reserved to the city in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility.
- (4) The prompt repair by the public utility of all damages to the



public streets, alleys and public property occasioned by the acts or omissions of the public utility.

(5) The rights of the city to have access to all books, records and papers of the public utility which in any way deal with, affect or record its operations within and pertaining to the city and pertaining to property and equipment used and useful in furnishing service to the city and its inhabitants.

(b) Every franchise may contain, among other things, provisions relating to the following:

(1) The power and right of the city to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility.

(2) The right of the public utility to receive upon condemnation proceedings brought by the city to acquire the public utility compensation for its franchise or the value thereof, if any.

SECTION 9.07. *Further Provisions of Franchises.* The enumeration and specification of particular matters which must be provided for in every franchise or renewal or extension thereof shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

SECTION 9.08. *Renewals or Extensions of Franchises.* Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

SECTION 9.09. *Public Hearings.* Before any franchise ordinance is adopted or any rates, fares or charges to be charged by a public utility are fixed, there shall be a public hearing by the council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the council shall determine.

## CHAPTER 10

### Public Ownership and Operation of Utilities

SECTION 10.01. *Construction, Acquisition and Operation of Utilities.* The city shall have power to acquire public utilities as provided in

Chapter 8 of this charter, and to build and construct such utilities as may be authorized by at least 60 per cent of the votes cast on the issue at a regular or special election.

SECTION 10.02. *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 all utilities provided by plants owned by the city, 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 make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

SECTION 10.03. *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.

SECTION 10.04. *City to Pay for Services.* The council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power or any other utility, and reasonable charges for supplying the city with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water and other services shall be collected in the same manner as from other consumers, unless the council provides some other plan.

SECTION 10.05. *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 approved by an affirmative vote of at least five members of the council. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchises in Chapter 9 of this charter.

SECTION 10.06. *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 an ordinance passed by an affirmative vote of at least five members of the council, and submitted to the electors at a general or special election and approved by at least a 60 per cent vote of the voters voting thereon.

## CHAPTER 11

### Miscellaneous Provisions

SECTION 11.01. *Official Publications.* The council shall regulate by ordinance, subject to the requirements of this charter, the manner in which official publicity shall be given to the holding of elections, ordinances, resolutions, requests for bids upon contemplated purchases and contracts, and all other matters whatsoever which require publication either by the provisions of this charter or by the laws of Minnesota. It shall annually designate a legal newspaper of general circulation in the city as the official newspaper in which shall be published such measures and matters as are by the laws of this state and this charter required to be so published, and such other matters as the council may deem it advisable and in the public interest to have published in this manner. The council may in its discretion, in addition to the publications required by this charter, provide for the publication of the annual budget, ordinances, resolutions, election notices, and such other measures and matters as it may deem wise, by mailing or the posting of typewritten, mimeographed or printed copies thereof upon bulletin boards located in public places of the city in such number and for such period of time as the council may direct in each case. Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control.

SECTION 11.02. *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 the State of Minnesota and to discharge faithfully the duties devolving upon me as (mayor, or councilman, or city manager, etc.) of this city to the best of my judgment and ability."

SECTION 11.03. *City Officers Not to Accept Favors or Contracts.* No member of the city council or employee of the city shall solicit or receive any pay, commission, money, thing of value, or derive any profit, 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, including authorized expenditures, or salary as such member of the city council or as such employee. No member of the city council 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. 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 shall be removed therefrom. Any contract with the city in which any member of the city council 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, shall be voidable at the option of the council; and any money which shall have been paid on such contract by the city may be recovered from any or all of the persons interested therein by joint or several action.

SECTION 11.04. *Official Bonds.* The city manager, the city clerk and city treasurer and such other officers or employees of the city, as may be provided for by ordinance, shall each, before entering upon the duties of their respective offices 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 their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the city council and approved as to form by the city attorney. They shall be filed with the secretary of the council. In the event the secretary of the council holds more than one office by appointment, his bond or bonds shall be filed with the mayor. The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with. The premiums on the corporate surety bonds hereinbefore provided for shall be paid by the city except in the case of justices of the peace.

SECTION 11.05. *Sales of Real Property.* No real property of the city shall be sold or 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 adopted by an affirmative vote of at least five members of the council designate some other public use for such proceeds.

SECTION 11.06. *Vacation of Streets.* The council shall have the exclusive power, by ordinance passed by a vote of at least five members of the council, to vacate or discontinue highways, streets and alleys within the city. Such vacations may be made only after notice, and hearing of affected property owners, and upon such further terms, and by such procedure as the council may, by ordinance, prescribe. A record of each

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such vacation shall be filed in the office of the Register of Deeds of Hennepin County.

SECTION 11.07. *Damage Suits.* No action shall be maintained against the city on account of any injuries 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 as required by Minnesota Statutes Section 465.09, or any amendments thereof.

No action shall be maintained against the city on account of injuries or damages to persons or property resulting from or caused by any accumulation or deposit of ice or snow on any public street, sidewalk, building, or place.

SECTION 11.08. *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, provided, however, the city shall give such person or corporation notice of any claim for such injury or damage and of any action to recover for the same and shall give such person or corporation the right and reasonable opportunity to defend such action.

SECTION 11.09. *City to Succeed to Rights and Obligations of Former Municipality.* The City of St. Louis Park shall remain vested with and continue to have, hold and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of St. Louis Park, and shall be subject to all liabilities which exist against said village on the effective date of this charter.

SECTION 11.10. *Tenure, Powers and Duties of Present Officers.* Upon the effective date of this charter and until the first Monday after the first Tuesday in January 1956, the mayor of the Village of St. Louis Park at the time of the effective date of this charter shall be and shall serve as the mayor of the city, and the trustees and the clerk of said village at the time of the effective date of this charter shall be and shall serve as members of the city council and shall be designated as councilmen. The city council as so constituted shall appoint two additional councilmen to serve until the first Monday after the first Tuesday in January 1956.

SECTION 11.11. *Application of General Laws.* 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 St. Louis Park operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of St. Louis Park and shall be construed as supplementary to the provisions of this charter. The city shall have all powers and authority granted by the laws of the 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 so far as may be possible, 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.

SECTION 11.12. *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.

SECTION 11.13. *Pending Condemnations and Assessments.* Any proceeding for condemnation for public improvement or assessment 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 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.

SECTION 11.14. *Civil Service Commissions.* The civil service commissions for policemen and firemen shall be continued in force pursuant to the laws under which they are organized, and the amendments thereto from time to time, until abolished according to law. Subject to the Minnesota statutes governing policemen and firemen and the provisions of this charter in regard thereto, the city council may establish by ordinance, and alter from time to time, a civil service or merit system for all permanent city employees or for such classifications as may be deemed advisable, and in connection therewith the city council may create and appoint a civil service commission to administer and supervise such civil service or merit system.

#### CERTIFICATE OF COMMISSION

We, the undersigned, being the duly appointed, qualified and acting members of the Board of Freeholders (Charter Commission) in and

for the Village of St. Louis Park, Hennepin County, Minnesota, hereby certify that the foregoing document consisting of Chapters 1 through 11, inclusive, 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 Russell Fernstrom, ~~President of the Council~~ Mayor of said Village, as the chief magistrate or executive thereof, for action pursuant to law.

Dated at St. Louis Park, Minnesota, this 11 day of October, 1954.

Maurice Adelsheim, Jr. J. E. Adolph Karlsson  
MAURICE ADELSHEIM, JR. J. E. ADOLPH KARLSSON

W. M. Chapman Leland F. Leland  
WILLIAM R. CHAPMAN LELAND F. LELAND

James S. Cullen Mrs. Lydia Rogers  
JAMES S. CULLEN MRS. LYDIA ROGERS

Tres F. Goetting Edmund T. Montgomery  
TRES F. GOETTING EDMUND T. MONTGOMERY

Mrs. Gertrude Hognander Mrs. Catherine Westerdahl  
MRS. GERTRUDE HOGNANDER MRS. CATHERINE WESTERDAHL

Fred W. Kaepfel Edward H. Rouse  
FRED W. KAEPPFEL EDWARD ROUSE

Walter Wheeler  
WALTER WHEELER

Everett A. Drake  
EVERETT A. DRAKE, *Chairman*

The foregoing draft of a proposed Charter and certificate in connection therewith received this 11 day of October, 1954.

Russell Fernstrom  
RUSSELL FERNSTROM  
~~Mayor~~ President of Village Council and  
chief magistrate or executive of  
the Village of St. Louis Park,  
Hennepin County, Minnesota

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VILLAGE OF ST. LOUIS PARK  
HENNEPIN COUNTY, MINNESOTA

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS.

I, RUSSELL C. FERNSTROM, do hereby certify that I am the duly elected, qualified and acting Mayor of the Village of St. Louis Park, Hennepin County, Minnesota; that on the 11th day of October, 1954, there was filed with the undersigned, as Chief Magistrate of said Village, a draft of a proposed Charter for the government of said Village as a city, pursuant to Article 4, Section 36, of the Constitution of the State of Minnesota, signed by the members of the board of freeholders, appointed by the judges of the District Court of the Fourth Judicial District in which said Village is situated, as the Home Rule Charter Commission of said Village; that thereafter and on the 7th day of December, 1954, the said proposed Charter was submitted to the qualified voters of said Village at the regular Village election and was ratified by favorable vote of more than four-sevenths of the qualified voters voting at such election; that a true and correct copy of said proposed Charter as so ratified is hereto attached and is hereby certified as the Charter for the government of the City of St. Louis Park as duly proposed and ratified as of December 7, 1954.

IN TESTIMONY WHEREOF, I have herunto set my hand officially as Chief Magistrate of said Village of St. Louis Park and have hereunto affixed the corporate seal of said Village as of the 27th day of December, 1954.

*Russell C. Fernstrom*  
RUSSELL C. FERNSTROM  
Mayor of the Village of St. Louis Park

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