

OFFICE OF THE CITY CLERK

CITY OF DETROIT LAKES MINNESOTA

A.R. JOHNSON, MAYOR
~~HERMAN STAYZ, CLERK~~
LLOYD E. LEARNED, CITY CLERK
ARTHUR O. QJEN, TREASURER
LOWELL W. BENSHOOF, CITY ATTORNEY



"412 LAKES WITHIN A RADIUS OF 25 MILES"

DETROIT LAKES, MINNESOTA
SEPTEMBER 10, 1959

HONORABLE JOSEPH L. DONOVAN
SECRETARY OF STATE
ST. PAUL 1, MINNESOTA

DEAR MR. DONOVAN:

I AM ENCLOSING HERewith AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF DETROIT LAKES, MINNESOTA, AMENDING, REPEALING AND SUPERSEDING THE CITY CHARTER ADOPTED FEBRUARY 23, 1903, AND AMENDMENTS THERETO, EXCEPT AS THE AMENDED CHARTER SPECIFICALLY CONFIRMS AND ADOPTS PARTS OF THE ORIGINAL CHARTER. THE AMENDED CHARTER WAS APPROVED AT A SPECIAL CITY ELECTION HELD APRIL 3, 1959, BY A VOTE OF 271 TO 47, THE "YES" VOTES OVER THE "NO" VOTES BEING GREATER THAN THE SIXTY PER CENT PLURALITY REQUIRED BY LAW TO AMEND THE CHARTER.

YOURS TRULY,

L. E. LEARNED
CITY CLERK

LEL:BLZ

ENC.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1959
Joseph L. Donovan
Secretary of State

14224

CERTIFICATE OF ADOPTION AND RATIFICATION OF
AN AMENDMENT TO THE CHARTER OF THE
CITY OF DETROIT LAKES, MINNESOTA

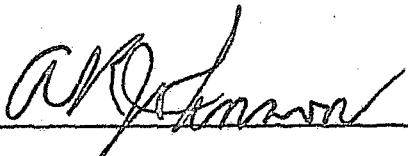
STATE OF MINNESOTA)
COUNTY OF BECKER) SS.

I, A. R. JOHNSON, MAYOR OF THE CITY OF DETROIT LAKES, MINNESOTA,
DO HEREBY CERTIFY TO THE FOLLOWING:

THAT THE ATTACHED AMENDED CHARTER OF THE CITY OF DETROIT LAKES IS A FULL, TRUE AND COMPLETE COPY OF THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF DETROIT LAKES, MINNESOTA, WHICH WAS RECEIVED BY THE MAYOR OF SAID CITY ON THE 26TH DAY OF JANUARY, 1959, FROM THE BOARD OF FREEHOLDERS OR CHARTER COMMISSION OF SAID CITY CONSTITUTED UNDER THE PROVISIONS OF SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF MINNESOTA AND THE LAWS OF THE STATE OF MINNESOTA. THAT SAID PROPOSED AMENDMENT WAS DULY SUBMITTED TO THE QUALIFIED VOTERS OF SAID CITY AT A DULY CALLED SPECIAL ELECTION HELD FOR THAT EXPRESS SAID PURPOSE IN SAID CITY ON THE 3RD DAY OF APRIL, 1959, AT WHICH ELECTION 271 VOTES WERE CAST IN FAVOR OF THE ADOPTION AND RATIFICATION OF SAID PROPOSED AMENDMENT AND 47 VOTES WERE CAST AGAINST ITS ADOPTION AND RATIFICATION. THAT AS A RESULT OF SAID ELECTION THE SAID AMENDMENT WAS DULY ADOPTED AND RATIFIED BY THE QUALIFIED VOTERS OF SAID CITY.

THAT THIS CERTIFICATE IS MADE AND EXECUTED IN DUPLICATE PURSUANT TO THE PROVISIONS OF SECTION 36 OF ARTICLE 4 OF THE CONSTITUTION OF THE STATE OF MINNESOTA AND THE LAWS OF SAID STATE AUTHORIZING AND DIRECTING THE DEPOSIT OF ONE OF SAID CERTIFICATES IN THE OFFICE OF THE SECRETARY OF THE STATE OF MINNESOTA, AND THE RECORDING OF THE OTHER OF SAID CERTIFICATES IN THE OFFICE OF THE REGISTER OF DEEDS OF BECKER COUNTY, MINNESOTA, TO BE DEPOSITED AFTER SUCH RECORDING IN THE ARCHIVES OF SAID CITY.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AS MAYOR OF SAID CITY OF DETROIT LAKES, MINNESOTA, AND THERE HAS BEEN AFFIXED HERETO THE SEAL OF THE CITY OF DETROIT LAKES, MINNESOTA, THIS 1ST DAY OF MAY, 1959.


A. R. JOHNSON
MAYOR OF THE CITY OF DETROIT LAKES, MINNESOTA

ATTEST:


L. E. LEARNED
CLERK OF THE CITY OF DETROIT LAKES, MINNESOTA

(SEAL)

14224

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1959

Joseph L. Benson
Secretary of State

To the Honorable H. A. Ratz,
Mayor of the City of Detroit Lakes,
Becker County, Minnesota, and
To the Members of the City Council
in said City:

The undersigned heretofore appointed by the Judges of the District Court of the Fifth Judicial District, State of Minnesota, as a Board of Freeholders (Charter Commission) for said City of Detroit Lakes, Minnesota, do hereby report and recommend for submission to the voters of said City for adoption, the within amendment to the present Charter of the City of Detroit Lakes, which amendment is in the form of an entirely new Charter, amending the present Charter and amendments thereto and repealing and superseding the present Charter adopted February 23, 1903, and amendments thereto, except as the amended Charter specifically confirms and adopts parts of the present Charter.

We respectfully request that you take such action as provided by law.

Dated this 24th day of January, 1959.

Alfred J. Jensen
Chairman

Don G. Benson
Secretary

Ernest H. Magee

E. A. Hunt

R. W. Ford

Lester C. Stolp

James H. Lipell

E. J. Smith

Alfred J. Jensen

George C. Simon

William M. Hartman

B. F. Blomquist

Wayne J. Grace

R. B. Benson

42271

PROPOSED AMENDED CHARTER OF
THE CITY OF DETROIT LAKES, MINNESOTA

CHAPTER I

NAME, BOUNDARIES, AND POWERS OF THE CITY

Section 1.01. Name and Boundaries. The City of Detroit Lakes, in the County of Becker and State of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Detroit Lakes, with the same boundaries as now are or hereafter may be established.

Sec. 1.02. Ward Boundaries. The City of Detroit Lakes shall continue to be divided into three wards bounded and described as they now are, or as they may be rearranged as provided by this charter.

Sec. 1.03. Change of Ward Boundaries. Provided that after the adoption of this charter in the event that in two successive presidential elections more than thirty-five per cent of the total vote in the City of Detroit Lakes is cast in any one ward, the city council may, by resolution, rearrange the boundaries of the wards so as to make the wards as nearly equal in population as practical. If the total vote cast is in excess of forty-five per cent of the total vote in any one ward in two successive presidential elections, the council shall, by appropriate resolution, rearrange the boundaries of the wards so as to make the wards as nearly equal in population as practical.

Sec. 1.04. Powers. The city shall have all powers of local self-government and home rule and all powers possible for a municipal corporation to have under the Constitution of the State of Minnesota. The city shall have 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 of Minnesota. It is the intention of this charter that every power which the people of the City of Detroit Lakes might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. All such powers shall be exercised in the manner prescribed in this charter or by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance of the City Council. In its corporate name, it may take and hold, by purchase, condemnation, gift or devise, and may lease and convey any and all such real, personal, or mixed property within or without its boundaries as its purpose may require or as may be useful or beneficial to its inhabitants; and it may contract with any other governmental unit or agency, private corporation or person for such joint services and utilities as may seem desirable and for all other legitimate purposes.

Elective Officers--Section 3.01--Continued

judge of the municipal court and two Justices of the Peace. Of the nine aldermen, two shall be elected from each ward and three at large. The Justices of the Peace shall be elected for terms of two years until such a time as the office is abolished pursuant to law. All elective officers shall be qualified electors of the city or ward from which they are elected, and all elective officers holding office when this Amended Charter takes effect shall continue in office until the terms for which they have been elected have expired. Except as provided herein, the mayor and aldermen shall hold their office for four years, and the judge and special judge of Municipal Court shall hold their office for terms as provided by law. All elective officers shall continue in office until their successors have been elected and qualified.

At the first biennial election following the adoption of this Amended Charter, the mayor and nine aldermen, two from each ward and three at large, shall be elected for terms beginning March first immediately following such election, the terms of which, under the present city charter, expire on said date.

At the said first biennial election the alderman receiving the highest number of votes in each ward shall be elected for a term of four years, and the alderman from each ward receiving the second highest number of votes shall be elected for a term of two years.

At said first biennial election the alderman receiving the highest number of votes for alderman at large shall be elected for a term of four years and the aldermen receiving the second and third highest number of votes for aldermen at large shall be elected for terms of two years.

At the said first biennial election two Justices of the Peace shall be elected for terms beginning April first immediately following such election, the terms of which under the present charter, expire on said date.

At the ^{third} ~~first~~ biennial election following the adoption of this Amended Charter, the Judge and Special Judge of the Municipal Court shall be elected for terms beginning March first immediately following such election, the term of the present Municipal Judge expiring on said date.

At the ~~first~~ second biennial election there shall be elected one alderman from each ward and two aldermen at large, all for terms of four years. At every city election thereafter all elective offices shall be filled as the terms of the officers expire.

Section 3.02. City Elections. Municipal city elections shall be held on the first Tuesday following the first Monday in November in each even numbered year and the officers elected shall take office on the first Monday in January following such election. All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

Sec. 3.03. Nomination By Filing. Any eligible person desirous of having his name placed upon the official election ballot as a candidate for an office to be voted on in an election shall not more than thirty nor less than fifteen days prior to such election file an affidavit with the city clerk, stating his residence, that he is a qualified voter in said city and the name of the office for which he desires to be a candidate; and, upon the payment of a fee of \$1.00 to the city clerk, that officer shall accept such affidavit and place the name of such candidate upon the official ballot without any political party designation. There shall be no primary election, but the filing of such affidavits shall be prerequisite to having the name of the candidate placed on the official ballot for the city election.

Sec. 3.04. Restrictions On Municipal Employment. Neither the mayor nor any alderman shall hold any other paid municipal office or employment under the city, nor, until after the expiration of their term of office, shall be appointed to any paid office or employment under the city, which office or employment was created or the salaries of which were increased during their term as mayor or alderman.

Sec. 3.05. Compensation of Officers. The council shall fix the compensation of all officers elected or appointed under this charter and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except that the council may by resolution adopted by a majority of all the aldermen, authorize additional

Compensation of Officers--Section 3.05--Continued

compensation when in their judgment such increase is warranted. The compensation of the mayor shall be \$600.00 per year and the compensation of each alderman shall be \$15.00 for attendance at each regular meeting of the city council and \$5.00 for attendance at each special meeting of the city council; the total compensation for each alderman in no event to exceed \$300.00 per year. The compensation set forth above shall be paid to the officers in office at the time this Amended Charter is adopted and those officers thereafter elected. The compensation of the mayor and aldermen shall not be increased unless the question is incorporated in an ordinance to be submitted to and approved by the majority of the electors voting thereon.

Section 3.06. Vacancies in Office. Whenever a vacancy occurs in any elective office specifically provided for in this Charter, except Municipal Judge, the council by resolution shall declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular city election when the office shall be filled by election for the unexpired term or for a new term as the case may be. Any vacancy occurring in any appointive office provided for in this Charter shall be filled for the unexpired term by resolution of the council and any vacancy occurring in any appointive office provided for by the administrative code may be filled in the manner provided for in said administrative code. All appointive officers may be removed at any time by the City Council for cause. Any police officer may be removed by the mayor, subject to the rules and regulations of the Police Civil Service Commission. In addition, the council shall have power by resolution to declare that a vacancy exists in any elective office by reason of the failure of such official without good cause to perform any of the duties of such office; provided that such resolution shall set forth the reasons for declaring a vacancy to exist in any elective office and fix a time, place and hour when the council will meet for public hearing thereon and that such resolution shall be mailed to such officer at his last known address and published at least once in the official newspaper of the city not less than ten days prior to the date of such hearing. The action of the council in declaring such vacancy or removing such official, following the mailing, publication of the resolution and the hearing, shall be final.

CHAPTER 4

EXECUTIVE AND ADMINISTRATIVE OFFICERS

Section 4.01. The Mayor. The mayor shall be recognized as the official head of the city for all ceremonial purposes, and by the governor for military purposes. He shall be the chief executive officer of the city and shall have command and control of its police force. The members of such police force shall be nominated by the mayor but must be confirmed by the council, except that such confirmation shall not be necessary as to temporary special police.

The Mayor--Section 4.01--Continued

It shall be his duty to see that the laws of the state, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city, and that all other officers of the city discharge their respective duties and to that end may institute and maintain on behalf of the city any appropriate action or proceeding against any delinquent officer. This section or any other section of this charter shall not have the effect of repealing the resolution, passed August 6, 1956, which created a Police Civil Service Commission.

Section 4.02. The Vice-Mayer. At its annual meeting in January following the biennial city election, the council shall choose one of its members as vice-mayer for the next two years. The vice-mayer shall perform the duties of the mayor during his absence or disability. If both the mayor and vice-mayer should be absent or disabled, the council may appoint one of its members to act as vice-mayer during such absence or disability. The vice-mayer and acting vice-mayer while so acting shall not vote except as this charter provides for the vote of a mayor.

Sec. 4.03. Appointive Officers. During the month of February immediately following each biennial election as hereinbefore provided, the council by resolution adopted by a majority vote of all the members of the council, shall appoint a city clerk and a city treasurer, which may be combined in one office at the discretion of the city council, a city attorney, city assessor, engineer, street commissioner, and health officer. Unless otherwise provided in the Administrative Code, the appointments of such officers shall be for a two-year term commencing on the first day of March in each odd-numbered year.

Sec. 4.04. Powers and Duties of Appointive Officers. The city clerk shall have the power to administer oaths and affirmations, take acknowledgments and certify instruments in all cases in which the same are required or sanctioned by law, and the clerk shall keep the corporate seal of the city and all papers and records thereof except as otherwise provided in this charter or by the administrative code, and attend all meetings of the council in person or by his deputy and keep the record of all proceedings thereof. In addition to other duties as provided in this charter, the city clerk, acting also as city treasurer, and the city attorney shall perform all duties imposed by law upon their respective offices and all other duties consistent with their respective offices as the council may direct by ordinance or resolution. The council shall have the right and power to employ special and additional counsel for special matters or actions of law in which the city is interested.

CHAPTER 5

MUNICIPAL COURT AND JUSTICES OF THE PEACE

Section 5.01. Municipal Court and Justices of the Peace.

The present Municipal Court of the City of Detroit Lakes, heretofore established, shall be and hereby is in all things confirmed and continued. The present offices of Justice of the Peace of the City of Detroit Lakes shall continue until abolished by the City Council as provided by law.

CHAPTER 6

COUNCIL MEETINGS, RESOLUTIONS, AND

ORDINANCES ~~AND RESOLUTIONS~~

Section 6.01. Council Meetings. The council shall consist of the mayor and nine aldermen, two from each ward and three at large. The mayor shall preside over its meetings but he shall have no vote except in case of a tie when he shall have the power to cast the deciding vote except as otherwise provided for in this charter. In the case of emergency ordinances he shall have no power of veto. The annual meeting of the council shall be held on the first Monday in January of each year at 7:30 p.m., at which time any duly elected members of the council shall assume their duties. Thereafter regular council meetings shall be held at such times as may be prescribed by ordinance except that there shall be not less than one regular council meeting each month and the time and manner for calling special council meetings shall also be prescribed by ordinance. A majority of the aldermen shall be a quorum to do business, but a lesser number may adjourn from time to time. The council shall determine its own rules and order of business. All legislative action shall be by ordinance or resolution except as otherwise provided by the laws of the State or by this charter. The council shall keep a journal of its proceedings which shall be a public record; and every final vote upon the passage of all ordinances shall be by yeas and nays and entered in the journal; no ordinance shall be passed without the concurrence of a majority of the council; all meetings of the council shall be public. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title and shall not be amended after its introduction and before its passage so as to change its original subject or purpose.

Sec. 6.02. Ordinances. The enacting clause of all ordinances shall be "The Council of the City of Detroit Lakes, Minnesota, does ordain:". Every ordinance shall be presented in writing; shall be fully and distinctly read at two council meetings; and at least one week shall elapse between the first and second readings thereof.

Ordinances--Section 6.02--Continued

Every ordinance shall be published once in the official newspaper of the city. All ordinances, except emergency ordinances, shall take effect thirty days after their publication, unless otherwise provided in the passage thereof.

Section 6.03. Emergency Ordinances. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in the preamble thereto, and no emergency ordinance shall be passed without the concurrence of at least two-thirds of all the aldermen. An emergency ordinance shall take effect immediately upon passage. No grant of any franchise shall be construed to be an emergency.

Sec. 6.04. Approval and Reconsideration of Ordinances. Every ordinance or resolution of the council, except emergency ordinances, shall, before it takes effect, be presented to the mayor for approval; if he shall approve it, he shall sign the same, but if he disapproves it, he shall return it to the city clerk with his objections thereto to be presented to the council at its next regular or adjourned meeting or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote, by which the same was passed shall be deemed to have been reconsidered and the question shall again be put upon the passage of the same notwithstanding the objections of the mayor and, if upon such reconsideration the same shall pass by a majority vote of all the aldermen, it shall have the same effect as if approved by the mayor. If an ordinance or resolution shall not be returned by the mayor within seven days, Sundays and holidays excluded, after it shall have been presented to him, the same shall have the same effect as if approved by him.

CHAPTER 7

PUBLIC UTILITIES

Section 7.01. Power of City. The City of Detroit Lakes shall have the power to own and operate water, electric light and power, gas systems or systems for distribution of any other source of energy, sanitary sewer system, garbage and waste collection, disposal system, municipal airport, and any other public utility which may be authorized pursuant to ordinance duly adopted by the council, and it may furnish water, light and power, and gas, or any other source of energy for all municipal purposes, and may supply the same to the inhabitants of the city and to such other persons, corporations or other governmental units as it may deem expedient.

Section 7.02. Public Utilities Department. The public water works, electric light and power system, gas system, and any system supplying any other source of energy owned, operated, or distributed by the city, shall constitute one department in the city known as the "Public Utilities Department." The control, management and operation of all such public utilities shall be committed to a board known as the "Public Utilities Commission." The city council may by ordinance make the sanitary sewer system, garbage and waste collection, disposal system, or any other public utility from which a revenue is, or may be derived, a part of the Public Utilities Department, or may in the same manner commit the supervision of any such sanitary sewer system, garbage and waste collection and disposal system, and any other public utility in whole or in part to the Public Utilities Department. The Water and Light Commission now holding office under the present city charter shall constitute the Public Utilities Commission under this charter until their successors are appointed and qualified.

Sec. 7.03. Public Utilities Commission. The commission shall consist of not less than three nor more than five members as may be determined by the council and all members thereof shall be residents and qualified electors of the city, except that the city council at its discretion may appoint one member thereof who is not a resident of the city. Present members of the Water and Light Commission under the present charter of the City of Detroit Lakes, shall be members of this commission until their term expires. Members of the commission shall be appointed by the city council as follows: In February following the first annual meeting under this charter, one member shall be appointed for a term of three years, provided, that in the event that the members of the commission are increased to more than three, then the council in February following the first annual meeting shall appoint two members to such commission to serve for a period of three years. Thereafter in February of each year the city council shall appoint not less than one nor more than two members to such commission; and in the event that the commission consists of three members then only one member shall be appointed in each February each for a term of three years, and all such appointees shall serve from March 1st, following their appointment for the three year term and until their successors are appointed and qualified. Such appointment shall be made by the council by resolution adopted by a majority vote of all the members of the council, and such commissioners before entering upon the duties of their offices, shall qualify and give such bond as the council may require. The members of said commission shall be paid such salary as may be fixed by the city council, but the compensation of any commissioner shall not be diminished during the term for which he was appointed. The compensation of the members of the commission shall be paid out of the Public Utilities Department fund and shall constitute a part of the operating expense of the Public Utilities Department.

Section 7.04. Organization of Commission. The commission shall organize by electing one of its members president and another secretary, and such secretary shall keep a record of the meetings of such commission. The commission may employ such necessary help as will enable it to perform its duties under this charter, and may discharge such employees at will. The city clerk may also act as an employee of the commission with such duties and compensation as they shall determine. The city attorney shall act as attorney for the commission, but in the event of conflict between the commission and the city council, the commission may by unanimous vote of the commissioners employ special counsel to represent it, and pay reasonable fees as a part of the operating expense of the Public Utilities Department. The Commission shall require a suitable bond from all employees handling funds and making collections and the premiums for such bond or bonds shall be paid from public utilities funds. The Commission shall prescribe the duties of all employees and shall fix their compensation.

Sec. 7.05. Powers of Commission. Except as otherwise provided in this charter, the Commission shall have control and power over the water, lights, power and gas system, and the distribution of any other source of energy that may be owned or operated by the City of Detroit Lakes at the time said commission is created or which may thereafter be acquired, owned, and operated by the city and, shall have such other power and control over sanitary sewage system, garbage and waste collection and disposal system, and any other public utility as may be assigned to it by the city council. The commission shall have the supervision of all buildings, structures, machinery, apparatus, equipment, materials and supplies, and all other property belonging to or pertinent to the Public Utilities Department or under its control, and except as hereinafter provided, shall have full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in any fund of the department, provided, however, that the money of said department shall be held by the city treasurer as a part of the funds of the City of Detroit Lakes and shall be paid out in such manner as the city council may direct. The commission and its employees may enter upon any premises for the purpose of examining the same and making surveys and it may prosecute any action in the name of the city against any person for the use of water, light, power, gas, or any other public utility, or for injury to any of its property or works entrusted to its care. Without limiting the generality of the foregoing, the Commission shall have the power:

(1) To provide for regular meetings of the Commission, keep proper minutes thereof, and prescribe their own rules and procedure. The Commission shall meet at least once each month.

Powers of Commission--Section 7.05--Continued

(2) To operate each and all of said utilities and to do all things necessary for the economical management, control and operation thereof.

(3) To keep the same in repair, and make necessary replacements, extensions, improvements, changes and additions thereto provided, however, that the Commission shall have no power to make any replacements, extensions, improvements, changes or additions which require the issuance of bonds by the city to pay for the same in whole or in part, or which are to be paid for in whole or in part by special assessments upon property benefited thereby, or which ~~the~~ expenditure of more than Two Thousand Five Hundred Dollars (\$2,500.00); but in such cases, the commission shall recommend to the city council in writing the making of such replacements, extensions, improvements, changes or additions whereupon the city council may in its discretion proceed to make the same or to order the Commission to make the same and to issue bonds or levy assessments upon benefited property, as the case may be, and to pay for the same in whole or in part. Upon completion of such replacements, extensions, improvements, changes or additions, the commission shall have the control and management thereof, as provided herein with reference to any other such property.

(4) To buy fuel supplies, equipment and other materials in such manner as may be directed or authorized by the council by ordinance or resolution.

(5) To fix and determine the rates and charges to be made for services furnished by such utilities and to collect the same and all other earnings and revenues of said utilities; provided, however, that whenever any new schedule of rates is adopted for any of the utilities or change or alteration is made in an existing schedule, affecting either a part or all of the patrons of such utility, the Commission shall first cause the schedule, changes or alterations to be submitted to the city council for approval and thereafter shall cause public announcement of such new schedule, changes or alterations to be made in the official newspaper of the city at least twenty (20) days before such change becomes effective.

(6) To prescribe the time and manner for which payment for all services shall be made, and to provide for the discontinuance and termination of such service in case of non-payment,

Powers of Commission-Section 7.05--Continued

and in its discretion to require payment in advance for any and all such service. The owner of any property which has upon it any pipes connected with the city's water works and gas systems, or wires and fixtures connected with the city's light and power system to convey light and power thereto, or which property is in any way connected with any source of energy supplied by the city, shall, as well as the lessee or occupant of such premises, if any, be liable to the city for the rents or rates for all such service used upon such premises, and such charges shall constitute a lien upon such property and may be recovered in an action against such owner, lessee or occupant, or against any of them, as may be directed or prescribed by such Commission. Nothing herein contained shall be construed to limit the right of the council to adopt ordinances providing for the certification of any such unpaid charges to the county auditor for collection in the same manner as taxes on real estate.

(7) To make and enforce reasonable rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utilities, and to prescribe penalties for the violation thereof.

CHAPTER 3

FINANCE AND TAXATION

Section 3.01. Control of Financial Affairs. The council will at all times retain control over the financial affairs of the city, administrative details of which shall be a part of the administrative code. The council shall provide in the administrative code for the publication of an annual statement of the financial affairs of the city, and for regular audits of the city finances every two years. The fiscal year of the city shall be the same as the calendar year.

Sec. 3.02. Transfer of Funds. No orders shall be issued upon the city treasurer exceeding in amount the tax collected or assessed or in process of collection and moneys on hand not otherwise appropriated; provided, however, that the council shall have the power, if by resolution it deems it expedient to issue time warrants for the purpose of replenishing any fund of the city, but the aggregate amount of such time warrants shall at no time exceed one per cent of the assessed valuation of all the property in the city. No money shall be transferred from one fund to

Transfer of Funds--Section 8.02--Continued

another except by ordinance or resolution and no money shall be transferred from the Public Utilities Department funds without the consent of the Public Utilities Commission.

Sec. 8.03. Tax Levy. At the first regular meeting of the council in October of each year, the Board of Tax Levy, composed of the Mayor, City Clerk and a member of the council appointed by the council, shall submit to the council an annual budget for the next ensuing fiscal year with a detailed estimate of the taxes required to be levied for all city purposes, together with a suggested form of resolution for making such levy, and the council shall make such changes as it may deem expedient. The council shall determine the amount of taxes to be levied and adopt a tax levy resolution and the city clerk shall submit the tax levy to the County Auditor not later than the tenth day of October. No tax shall be invalid by reason of any informality in the manner of levying the same or because the amount levied shall exceed the amount required to be raised for the special purpose for which it was levied. It shall be the duty of the heads of the various departments of the city to file with the city clerk an estimate of the receipts and disbursements of such department for the ensuing fiscal year on or before the 15th day of July in each year in order to assist the council in determining the amount of taxes to be levied.

Sec. 8.04. Bonded Indebtedness. Except as provided in Section 8.02, no obligations shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by state law, no such obligations shall be issued and sold without the approval of the majority of the electors of the city voting thereon at a general or special election.

CHAPTER 9

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 9.01. Power to Make Improvements and Levy Assessments. The city shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of 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 improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

Section 9.02. Assessments for Services. The council may provide by ordinance that the cost of sprinkling, snow, or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the city may be assessed against the property benefited and collected in like manner as are special assessments.

Sec. 9.03. Local Improvement Regulations. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law (or charter provisions) 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. Such ordinance 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. In the absence of such ordinance all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

Sec. 9.04. 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 laws of the state.

CHAPTER 10

EMINENT DOMAIN

Section 10.01. Power to Acquire Property. The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Sec. 10.02. Proceedings in Acquiring Property. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to the laws of this state, except as otherwise provided in this chapter.

Sec. 10.03. Payment of Award. Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for

Payment of Award--Section 10.03--Continued

abandoning such proceedings by the city has expired, the city shall, within 60 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.

Sec. 10.04. 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 final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

Sec. 10.05. Assessment of Benefits. Whenever the city acquires land or any interest therein by purchase, condemnation or otherwise and such acquisition results in an improvement or benefit to other property, the cost thereof or any portion of the cost thereof may be assessed against benefited property as provided by statute or improvement ordinance.

CHAPTER 11

FRANCHISES AND LONG TERM CONTRACTS

Section 11.01. Definition of Term. 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 by the city or by the State of Minnesota.

Sec. 11.02. How Granted. No franchise shall be granted except by ordinance adopted by a majority vote of all the aldermen and every ordinance by which the council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon. 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 five members of the council, and submitted to the electors at a general or special election and approved by a majority of the electors voting thereon.

Section 11.03. Long Term Contracts. The words "long-term contract" shall be construed to mean and to be limited to contracts for the purchase by the city or any of its departments of any materials or supplies including contracts for the purchase of electricity, gas or other source of energy which runs more than two years. No long term contract for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon. In the case of contracts for the purchase of electricity, gas or other source of energy, no such contract shall be entered into except on recommendation of a majority of the members of the Public Utilities Commission to the council and then approved by resolution adopted by a majority vote of all the aldermen.

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 approved by a majority of the council and submitted to the electors at a general or special election and approved by a majority of the electors voting thereon. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

CHAPTER 12

CONTRACTS

Section 12.01. Execution. All contracts, bonds and instruments of any kind to which the city is a party shall be signed by the mayor and the city clerk on behalf of the city and shall be executed in the name of the city.

Sec. 12.02. Contracts; How Let. In all cases of work done by contract or the purchase of personal property of any kind where the amount involved is more than Two Thousand Five Hundred Dollars (\$2,500.00), unless the council shall by an emergency ordinance otherwise provided, the city clerk shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only by the council to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by majority vote for the doing of work with patented processes or from the purchasing of patented appliances by the same majority vote. Subject to the provisions of this Charter, the council shall adopt further regulations in the Administrative Code for the making of bids, the letting of contracts and performance of the same.

CHAPTER 13

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.01. Official Publications. The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Sec. 13.02. Oath of Office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as (mayor, alderman, city clerk, etc.) of the City of Detroit Lakes to the best of my judgment and ability."

Sec. 13.03. City Officers Not To Be Interested In Contracts. Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

Sec. 13.04. Official Bonds. The city clerk, 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 his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

Sec. 13.05. Sales of Real Property. No real property of the city shall be disposed of except by resolution passed by the city council, and only after a two-weeks notice of the intention to make such sale has been published in the official newspaper of the city. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

Section 13.06. Vacation of Streets. The council may by resolution approved by at least five members of the council vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Sec. 13.07. Rights and Obligations Under Former Charter. The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the city under the former charter.

Sec. 13.08. Statutes Not Affected By Charter. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Detroit Lakes operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Detroit Lakes, and shall be construed as supplementary to the provisions of this charter.

Sec. 13.09. 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 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.

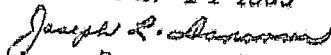
Sec. 13.10. Ordinances To Make Charter Effective. The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Dated at Detroit Lakes, Minnesota this 24th day of January, 1959.

I hereby acknowledge receipt of the foregoing draft of the Proposed Amended Charter of the City of Detroit Lakes, Minnesota this 24th day of January, 1959.


H. A. Ratz, Mayor and
Chief Executive of the
City of Detroit Lakes,
Becker County, Minnesota.

#14224
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1959


Joseph L. Olson
Secretary of State