

CHARTER
of the
CITY OF BARNESVILLE

Adopted By Election

First Election Under New Charter

Charter Became Effective on Nov. 24, 1961

Charter Commission

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#15572
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 26 1961

Joseph L. Anderson
Secretary of State

CHAPTER 1

NAME, BOUNDARIES AND

POWERS OF THE CITY

Section 1. Name and Boundaries. The City of Barnesville, in the County of Clay in the State of Minnesota, shall, upon the taking of this charter, continue to be a city under the name of the City of Barnesville and shall continue to be a municipal corporation and shall include the following described land and territory situated in the County of Clay:

Boundaries

The district of country aforesaid constituting the City of Barnesville and the limit and boundaries thereof shall be as follows: All of section thirty (30), and the north half (N $\frac{1}{2}$) of section thirty-one (31), of Township one hundred thirty-seven (137) North of Range forty-five (45), West of the Fifth (5th) principal meridian; also the east half (E $\frac{1}{2}$) of Section twenty-five (25), and the north-east quarter (NE $\frac{1}{4}$), of Section thirty-six (36), in Township One hundred thirty-seven (137), North of Range forty-six (46), West of the Fifth (5th) principal meridian.

Which above described land and territory is hereby set apart and incorporated as the City of Barnesville, and all lands and properties now or hereafter within the boundaries of said City of Barnesville shall constitute an election and assessment district separate and distinct from any town, and all such lands and properties are hereby specifically separated from the Town of Barnesville and the Town of Humboldt situated in Clay County, Minnesota.

Section 2. General 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. 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 or resolution of the Council.

Section 3. Construction. The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all the powers necessary for the efficient conduct of its municipal affairs. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the general powers of the city to those specifically mentioned. This charter shall be considered a public act and need not be pleaded or proved in any action at law. It shall take effect thirty (30) days from and after its adoption by the voters.

CHAPTER 2

POWERS--- HOW EXERCISED

Section 1. Powers, How Exercised. All powers of the City, unless otherwise specifically provided by this Charter, shall be exercised by the Council, or under its direction, subject to the referendum powers of the voters.

Section 2. Present Ordinances, Resolutions, By-Laws and Rules. All ordinances, resolutions, by-laws and rules existing at the time of the adoption of this Charter shall continue in full force and effect until amended or repealed.

Section 3. Administrative Code. The existing departments, divisions, boards, and funds of the City Government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of an Administrative Code as hereinafter provided. Within one year after the adoption of this Charter, the City Council shall by ordinance adopt an Administrative Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this charter, the City Council may by ordinance adopted by a two-thirds vote of all the aldermen amend the Administrative Code, but no such change in the Administrative Code shall be made in such manner as to affect any rights of the City or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code.

CHAPTER 3

ELECTIVE OFFICERS AND ELECTIONS

Section 1. Elective Officers. The elective officers of the city shall be a mayor, six aldermen, and two Justices of the Peace. Of the six aldermen, two shall be elected from each ward. 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. The aldermen shall hold their office for four years and the mayor shall hold his office for two years. 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 six aldermen, two from each ward, shall be elected for terms beginning on the first Monday in April 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 the second biennial election there shall be elected one alderman from each ward, all for terms of four years.

Section 2. 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 \$3.00 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.

Section 3. Oath of Office. Every officer of the City, elected or appointed, 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 _____ of the City of Barnesville to the best of my judgment and ability."

Section 4. Restrictions On Municipal Employment. Neither the Mayor nor any alderman shall hold any paid municipal office or employment under the City, nor, until one year after the expiration of their terms 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.

Section 5. 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 officer is elected or appointed except that the Council may by ordinance adopted by two-thirds vote of all the Aldermen authorize additional compensation when in their judgment such increase is warranted; provided, that the compensation of the Mayor shall be Three Hundred Dollars (\$300.00) per year and the compensation of each alderman shall be \$10.00 for attendance at each regular meeting of the City Council and \$5.00 for attendance at each special meeting of the City Council paid in twelve monthly payments per annum, the total compensation for each alderman in no event to exceed \$180.00 per year, and their compensation shall not be increased unless the question of such increase is submitted to and approved by the majority of the voters.

Section 6. Biennial Election. Biennial City Elections shall be held on the second Tuesday in March in each odd-numbered year and the officers elected shall take office on the first Monday in April following such election.

Section 7. Election Laws. All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

Section 8. Vacancies. Whenever a vacancy occurs in any of the elective or appointive offices specifically provided in the Charter, such vacancy shall be filled for the unexpired term of such office 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 in said administrative code; except that any vacancy in the office of city justice shall be filled in the manner provided by the laws and constitution of this State. All appointive officials may be removed at any time at the pleasure of the council. And any police officer may be removed at the pleasure of the Mayor. 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 for a period of three months.

CHAPTER 4

EXECUTIVE AND ADMINISTRATIVE OFFICERS

Section 1. 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. 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.

Section 2. Acting Mayor. At its annual meeting in April following the biennial city election the Council shall choose one of its members as Acting-Mayor for the next two years. The Acting-Mayor shall perform the duties of the Mayor during his absence or disability.

Section 3. City Clerk. The City Clerk shall be appointed by the Council only by resolution adopted by a two-thirds vote of all the aldermen. The City Clerk shall be appointed solely on the basis of his fiscal and administrative qualifications and need not, when appointed, be a resident of the City or State. At its first meeting after the biennial election provided in this charter, the Council shall appoint a City Clerk for a term of two years and shall thereafter appoint such City Clerk for a term of two years. The City Clerk may with the advice and consent of the Council appoint a Deputy City Clerk to assist him and to perform his duties during his absence or disability.

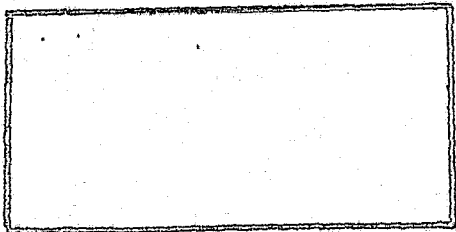
The Clerk shall keep the corporate seal of the City and all papers and records thereof except as otherwise provided in this Charter or by the Administrative Code, attend all meetings of the Council in person or by his Deputy and keep a record of all proceedings thereof. He shall keep accounts showing the financial transactions of all departments of the City upon forms prescribed by him and approved by the Council. He shall on or before the fifteenth day of each month prepare a summary statement of the revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and each department, division and office thereof and submit the same to the Council at its next regular meeting. He shall from time to time give the Council such information and recommend such measures as he shall deem advantageous to the City. He shall perform the duties imposed by law on City Clerks and such other duties as may be provided for in the Administrative Code.

The City Clerk shall have the power to administer oaths and affirmations and take and certify acknowledgements in all cases in which the same are required or sanctioned by law.

Section 4. Treasurer. The Council shall appoint a City Treasurer for a term of two years commencing on the first Monday in April in each odd-numbered year who will perform the duties imposed upon City Treasurers by law and such other duties as may be provided for in the Administrative Code.

Section 5. City Attorney. The council shall appoint the City Attorney whose term shall expire on the first day of April following the next biennial election. He shall perform all duties imposed by law on City Attorneys, shall act as prosecuting attorney in Justice Court and perform such other duties consistent with his office as the Council shall impose by ordinance; provided, that the Council shall have the right and power to employ special counsel for special matters or actions at law in which the City is interested.

Section 6. Chief of Police. The Mayor shall, with the advice and consent of the Council, appoint a Chief of Police as soon as convenient after he takes

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Section 6. Chief of Police. The Mayor shall, with the advice and consent of the Council, appoint a Chief of Police as soon as convenient after he takes

office for a term of two years commencing on the first Monday in April in each odd-numbered year, who shall perform the duties imposed upon the Chief of Police by law or pursuant to the Charter or ordinances of the City.

Section 7. Assessor. The Council shall appoint an Assessor for a term of two years commencing on the first day of April in each odd-numbered year, who shall perform the duties imposed upon assessors by law or pursuant to the provision of this Charter or the Administrative Code.

Section 8. Health Officer. The Council shall appoint a Health Officer for a term of two years commencing on the first day of April in alternate odd-numbered years, who shall perform the duties imposed upon Health Officers by law or pursuant to the provisions of this Charter or the Administrative Code.

CHAPTER 5

COUNCIL, MEETINGS, RESOLUTIONS, ORDINANCES AND REFERENDUM

Section 1. Council. The Council shall consist of the Mayor and six aldermen and the Mayor shall preside over its meetings, but the Mayor shall have no vote except in case of a tie when he shall have the power to cast the deciding vote and in the case of emergency ordinances where he shall have no power of veto. The annual meeting of the Council shall be held on the first Monday in April each year at 7:30 o'clock P. M. at which time any newly 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 of calling special council meetings shall also be prescribed by ordinance. A majority of the aldermen shall be a quorum to do business, but a less number may adjourn from time to time. All legislative action shall be by ordinance 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 and resolutions shall be by yeas and nays and entered in the journal; and no ordinance shall be passed without the concurrence of a majority of the Aldermen; and 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 either after its introduction or passage so as to change its original subject or purpose.

Section 2. Ordinances. The enacting clause of all Ordinances shall be "The Council of the City of Barnesville, Minnesota, does ordain;" Every Ordinance shall be presented in writing; and every ordinance except Emergency Ordinances shall be fully and distinctly read at two Council Meetings, and at least three days shall elapse between the first and second readings thereof. Every Ordinance shall be published once in the official newspaper of the City or, in the event that at any time there is no legal newspaper published in the City, shall be posted in three public places in the City. All ordinances, except emergency ordinances shall take effect thirty days after publication or posting unless repealed by referendum as hereinafter provided.

Section 3. 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 a preamble thereto and no emergency ordinance shall be passed without the concurrence of at least four aldermen. An emergency ordinance shall take effect immediately upon passage. No grant of any franchise nor the adoption, amendment or repeal of an Administrative Code shall be construed to be an emergency.

Section 4. Approval by Mayor. 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 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 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 five-sixths 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 three 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.

Section 5. Power of Referendum. The people of Barnesville reserve to themselves the power, in accordance with the provisions of this Charter, to require ordinances or any part thereof, other than emergency ordinances, passed by the Council to be referred to the voters for approval or disapproval through referendum. If, prior to the date when an ordinance takes effect, a petition signed by qualified voters equal in number to twenty percent of the total vote cast at the last biennial election be filed with the City Clerk requesting that any such ordinance or part thereof be repealed, such ordinance shall not take effect and shall be laid over pending further proceedings as hereinafter provided.

Any ten voters may form a referendum committee. More than one copy of the same referendum petition may be circulated as a part of a single petition, but the circulator of each copy shall make an affidavit that each signature thereon is the genuine signature of the person whose name it purports to be. Each petition shall be in substantially the following form:

Referendum Petition

Proposing the repeal of an Ordinance entitled " _____ " or part of an ordinance entitled " _____ ", which part reads as follows: " _____ ". A copy of said ordinance is hereto attached. The proposed repeal is sponsored by the following committee of voters.

Name

Address

- 1.
- 2.
- 3.
- 4.
- 5.

The undersigned qualified voters of the City of Barnesville, understanding the nature of the measure hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its repeal or submission to the voters for approval or rejection.

Name of Voter

Address

All copies of the petition shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the petition, the city clerk shall ascertain by examination whether the petition is regular and has been signed by the required percentage of voters. If he finds the petition insufficient or irregular, he shall at once notify one or more of the Referendum Committee stating the reasons for his findings. The Committee shall then be given ten days in which to file additional copies of the petition or a corrected petition. The Clerk shall present the petition, or corrected petition, to the Council at its next regular meeting, certifying it if he finds it regular and sufficient or, if he finds it irregular and insufficient, stating that it was filed with him and his reasons for finding it insufficient or irregular. If certified, the Council shall reconsider the ordinance or part thereof to which objection has been made or repass the ordinance without change. Should the ordinance be so repassed, the Council shall immediately call an election to be held thereon and, if a majority of the votes cast on the question are opposed to the ordinance or part thereof, it shall be deemed repealed; but if a majority favor the ordinance or part thereof as passed by the Council, it shall take effect immediately or upon the date therein specified. Should the Clerk present the petition to the Council with a finding that it is insufficient or irregular, the Council may either reconsider and repeal the ordinance or part thereof to which objection is made; or may despite such insufficiency or irregularity of the petition refer the matter to the voters; or may by resolution adopt the Clerk's findings as to such insufficiency or irregularity in which case such determination shall be final and the ordinance as originally passed shall be in full force and effect.

CHAPTER 6

PUBLIC UTILITIES

Section 1. Public Utilities. The City Council may at any time by resolution adopted by a five-sixth vote create and establish a public utilities commission consisting of three members who shall be residents and qualified electors of the city. Said commission shall consist of three members appointed by the City Council and the first commission appointed under said resolution shall be appointed as follows; one member for one year; one member for two years; one member for three years. Thereafter, each succeeding commissioner shall be appointed for a period of three years. After the establishment of such a commission, the same shall not be abolished except by a vote of the electors of the city amending this chapter.

Such utility commission shall have control, management, and operation of all such public utilities as the City Council, at its discretion, may commit to the management and control of said commission.

The commission shall organize by electing one of its members as president and another as 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 the resolution of the City Council and may discharge such employees at will. The City Clerk may also act as an employee of the commission for 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 utility funds. The commission shall prescribe the duties of all employees and fix their compensation. The commission shall have control of all public utilities committed to its charge 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 Utility Department or under its control. And, except as herein otherwise provided, shall have full exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in any form in any fund or department, provided, however, that the money of said department shall be held by the City Treasurer as part of the funds of the city of Barnesville and shall be paid out in such manner as the City Council may determine. 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, lights, power, gas, and any other public utility, or for injuries to any of its property or works entrusted to its care. Without limiting the generality of the foregoing, the commission shall have 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.

(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 requires 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 the 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, 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 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.

The compensation of each member of such commission shall be One Hundred twenty Dollars (\$120.00) per annum, which sum shall be divided into twelve equal parts and paid monthly.

Section 2. Rates. Rates to be charged for all services, materials, labor or benefits furnished by any such public utility, including charges to be made for service or benefits furnished to the City as a whole or any of its departments; rules and regulations necessary to properly regulate furnishing such service and secure prompt payment of bills; the method by which the City may acquire and collect liens upon property for unpaid bills; and the manner and extent to which the City shall operate such public utilities and furnish service outside the corporate limits of the City shall be established or changed only by ordinance.

CHAPTER 7

FINANCE AND TAXATION

Section 1. General. The Council shall at all times retain general control over the financial affairs of the City, the administrative details of which shall be 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. The fiscal year of the City shall be from April 1 to April 1.

Section 2. Transfer of Funds. No orders shall be issued upon the city treasurer exceeding the 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 percent of the assessed valuation of all the property in the city. No money shall be transferred from one fund to 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.

Section 3. 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.

Section 4. Bonded Indebtedness. Except as provided in Section 2, Chapter 7, 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 8

LOCAL IMPROVEMENTS

Section 1. Power to Make. The Council shall have power to make any local improvements deemed necessary for the welfare or convenience of the City and its inhabitants and assess the cost or such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected.

Section 2. How Initiated. Local improvements may be initiated either by a petition submitted to the Council by interested property owners for such improvement or by a resolution passed by the Council to investigate the necessity and feasibility of such local improvements. Before taking any further action, the Council shall refer the matter to a competent engineer of its selection who shall report to the Council with all convenient speed. Such report shall advise the Council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution or in connection with some other improvement or improvements not included in the petition or resolution and the estimate of the cost of the improvement as recommended in the report. On the filing of such report with the Clerk, the Council shall by resolution fix a time, hour and place when the engineer's report will be considered and action taken thereon and direct the Clerk to give notice of such hearing by publishing a notice one in each week for two successive weeks in the official newspaper of the City. The Notice shall describe in general language the improvement or improvements recommended in the Engineer's Report and the estimated cost thereof, but it need not include a description of the properties liable to be assessed therefor or the names of their several owners. At the time fixed in the notice, or at some subsequent time or times to which the hearing may be adjourned, the Council shall hear such persons as care to be heard in reference thereto. At the conclusion of the hearing the Council shall determine by resolution whether the improvement or improvements as set forth in the Engineer's Report or any part thereof shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof in general language.

Section 3. Local Improvement Ordinance. All local improvements shall be made and assessments therefore imposed, in accordance with the statute in such case made and provided.

CHAPTER 9

EMINENT DOMAIN

Section 1. Powers. The City shall have full power to acquire by purchase, gift, devise, or condemnation, any property corporeal or incorporeal, including public utilities either within or without its corporate boundaries which may be needed by the City for any public use or purpose, and the fact that the property so needed has been acquired by the owner under the power of eminent domain and is already devoted to public use shall not prevent its acquisition by the City. The acquisition of such property may be accomplished by proceedings at law in the manner provided for taking land for public use by the right of eminent domain according to the laws of this State.

CHAPTER 10

FRANCHISES

Section 1. 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 either by the City or by the State of Minnesota.

Section 2. Method of Granting. No franchise shall be granted except by ordinance adopted by a majority vote of all 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 franchise shall ever be granted. No franchise shall be granted for a term exceeding twenty years.

Section 3. Long Term Contracts. The words "Long Term Contracts" shall be construed to mean and 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 or services of other public utilities which run for a period of more than five years. No such long term contract shall be entered into until the same shall have been approved by Ordinance adopted by a majority vote of all the Aldermen and, except in case of contracts whereby the City Council reserves the

unconditional right to cancel and terminate such contract at any time after the expiration of such five-year period, until such ordinance approving the contract shall have been submitted at an election and approved by a majority of the voters voting on the question.

CHAPTER 11

ASSESSMENT OF PROPERTY

Section 1. City to be Separate District. The City shall constitute a single assessment district separate and apart from any town within the boundaries of which any property within the City limits may lie. The assessment of property within the City limits shall be made in the manner provided by the laws of the State for cities of the same class.

Section 2. Board of Equalization. The Board of Equalization shall consist of the Mayor, City Council and City Clerk and shall meet as such in the usual place for holding Council meetings on the fourth Monday in June of each year to equalize the assessment according to law with power, however, in the Council to change the date of such equalization meetings from time to time by published resolution to conform to the general laws of the State.

CHAPTER 12

CITY JUSTICES

Section 1. Jurisdiction. The City Justices shall have concurrent jurisdiction over civil actions and criminal proceedings under the statutes of the State of Minnesota as Justices of the Peace have and shall extend to and include the county of Clay in said state.

Section 2. Justices of the Peace. The justices of the peace of the city shall have and possess all the authority, powers, rights and jurisdictions and shall perform the same duties as are now and may hereafter be provided for as to justices of the peace elected under the laws of the State of Minnesota. They shall in addition have authority and jurisdiction to hear and determine all complaints for the violation of any provision of this charter or any ordinance, resolution, rule or regulation made or adopted under or by virtue thereof. In all prosecutions for the violation of any provision of this charter or any ordinance, resolution, by-law or regulation adopted thereunder, the justices of the peace may proceed to trial and determination thereof without the aid of a jury. Except as otherwise provided herein, the same forms, proceedings and practice shall be followed by justices of the peace as under the general laws of the state and appeals from the judgment and decision of the justices of the peace shall be allowed and taken as provided by law for appeals from justices of the peace under state law. All fines and penalties imposed by the justices of the peace of this city for the violation of this charter or any ordinance, resolution, rule, or regulation thereof shall belong to the City of Barnesville and shall be turned into the treasurer of the city. The justices of the peace shall each month or oftener as required by the council report to it all proceedings instituted before them, in which the city is interested, and shall at the same time account for and pay over to the treasurer all fines collected and received by them belonging to the city. The justices of the peace shall be entitled to receive from the county or state such fees in criminal cases where the state is a party as are allowed by statute to other justices of the peace for similar services, and they shall be entitled to receive from the City of Barnesville, such fees in cases where the city is a party as justices of the peace are entitled by law to tax and receive from the county in similar cases. In the event a municipal court with proper jurisdiction is established under any state law, then the offices of the justices of the peace may be abolished by ordinance, if permitted by state law.

CHAPTER 13

MISCELLANEOUS PROVISIONS

Section 1. Call for Bids, Official Bond, Penalties for Violation. The Council shall have power by ordinance to fix the manner in which publicity shall be given to requests for bids; the amount of bond to be given by officers of the city and penalties for any violation of this Charter or any Ordinance of the City.

An 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, specification, or regulation prepared by an official or unofficial organization for general circulation and use, may be adopted and incorporated by reference thereto in an ordinance 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 requirement 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 2. Present Rights Retained. The City shall succeed to all the contract and property rights and privileges and be subject to all the legal obligations and the terms of existing contracts and franchises existing at the time this Charter goes into effect.

Section 3. Service on City. When any suit or action shall be commenced against the city, service or process therein shall be made by leaving a copy thereof with the City Clerk or person in charge of the City Clerk's office and one copy with either the Mayor or Vice Mayor and it shall be the duty of the City Clerk to forthwith inform the City Attorney and Council thereof.

Section 4. 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.

Section 5. 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 One Thousand Dollars (\$1,000.00), unless the council shall by an emergency ordinance otherwise provide, 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.

TO: The Honorable P. L. Aamodt
Mayor of the City of Barnesville,
Clay County, Minnesota, and

TO: The members of the City Council
of said City:

The undersigned heretofore appointed by the Judges of the District Court of the Seventh Judicial District, State of Minnesota, as a Board of Freeholders (Charter Commission) for said City of Barnesville, 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 Barnesville, which Amendment is in the form of an entirely new Charter, amending the present Charter and repealing and superceding the present Charter adopted June 28, 1898, 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 26th day of July, 1961.

Ingaard Knutson
Chairman

Kenneth M. Anderson
Secretary

+ Ralph B. Morken

P. L. Aamodt

Evelyn Svenson

Tom Torsten

Fred Weisner

Herbert E. Goese

Mathilda Gust

L. L. Olson

B. K. Larsen

Robert E. Sordley

N. Robert Bergeron

Mrs. Hallderson
Lillian A. Wernmager

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER

STATE OF MINNESOTA X
X ss
COUNTY OF CLAY X

I, P. L. Aamodt, Mayor of Barnesville, Minnesota, and as such, the chief magistrate of such city do hereby certify that the charter hereto attached and made a part of this certificate, is a true and correct copy of the charter returned and filed with the city by the duly appointed and qualified board of freeholders of such city.

I further certify that such charter was duly submitted to the voters of the City of Barnesville at a special election held in such city on October 24, 1961, and was duly adopted by a vote of 192 votes for the charter and 141 votes against the charter, the total vote cast in such city at such election being 333 votes.

/ Witness my hand and the corporate seal of the City of Barnesville this 2nd day of ~~October~~ November, 1961.

P. L. Aamodt
Mayor of Barnesville, Minnesota

Attest:

H. M. Kovatso
City Clerk
Barnesville, Minnesota

#15572
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 26 1961
Joseph L. Donovan
Secretary of State