

City of West Saint Paul

CITY HALL
1170 SOUTH ROBERT STREET
CAPITAL 2-5848

November 14, 1962

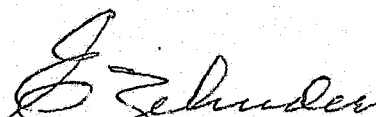
Secretary of State
State Office Building
Saint Paul 1, Minnesota

Gentlemen:

Enclosed is a true and accurate copy of the City Charter as adopted at the City Election on November 6, 1962 by a sixty-one percent (61%) majority vote. The registered voters amount to 7,382 and the votes cast amounted to 5,425. The proposal to the voters was "Shall we adopt the New Charter - Yes or No."

Thereupon, we has 3,170 "Yes" votes and 1,974 "No" votes, 281 blank votes.

Certified this 14th day of November, 1962.


E. Zehnder, City Clerk
West Saint Paul, Minnesota

#16023
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 16 1962

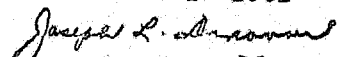

Secretary of State

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THE CHARTER
of the
CITY OF WEST SAINT PAUL

#16023
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 16 1962
Joseph L. Magnuson
Secretary of State

CHAPTER I.

NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Sec. 1.01. Name and boundaries. The City of West Saint Paul, in the County of Dakota, and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of West Saint Paul, with the same boundaries as now are or hereafter may be established.

The territory constituting the City of West Saint Paul and the limits and boundaries thereof, are as follows:

All of Sections numbered seventeen (17), eighteen (18), nineteen (19), twenty (20) and the north one-half (N. 1/2) of sections twenty-nine (29) and thirty (30), and the southwest quarter (S.W. 1/4) of the southeast quarter (S.E. 1/4) of section seven (7). All in Township 28, north of Range 22, west of the Fourth principal meridian.

Sec. 1.02. Powers of the city. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the constitution of this State and of the United States. It is the intention of this Charter that every power which the people of the City of West Saint Paul might lawfully confere upon themselves, as a municipal corporation, by specific enumeration in this Charter shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Sec. 1.03. Charter a public act. This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect six (6) months from and after its adoption by the electors.

Sec. 1.04. Ward designation. The said City shall be divided into three (3) wards, to be called the First (1st), Second (2nd) and Third (3rd) wards, limited and bounded as follows:

The First ward shall consist of the easterly three-fourths (E. 3/4) of sections seventeen (17), twenty (20) and of the north half (N. 1/2) of section twenty-nine (29).

The Second ward shall embrace the westerly one-fourth (W. 1/4) of sections seventeen (17) and twenty (20); and the west half (W. 1/2) of the northwest quarter (N.W. 1/4) of section twenty-nine (29); also the easterly one-half (E. 1/2) of sections eighteen (18) and nineteen (19); the northeast quarter (N.E. 1/4) of section thirty (30), and the southwest quarter (S.W. 1/4) of the southeast quarter (S.E. 1/4) of section seven (7).

The Third ward shall embrace the west one-half (W. 1/2) of sections eighteen (18) and nineteen (19); also the northwest quarter (N.W. 1/4) of section thirty (30).

Sec. 1.05. Aldermanic districts. Said City of West Saint Paul shall be, and is hereby divided into three (3) aldermanic districts and each ward shall constitute an aldermanic district. Said aldermanic districts shall be numbered to correspond with the numbers of the wards.

That each of said aldermanic districts, as above defined and constituted, shall form a separate election precinct of said City for the holding of all general elections provided for under the laws of this State, and for the election of all corporate officers provided for in this Charter.

Provided, however, that the Council of said City may, by a vote of two-thirds (2/3) of the members-elect of said Council, divide such of said aldermanic districts as may contain over four hundred (400) resident electors into two (2) or more election precincts of said district, and, from time to time, designate by resolution or ordinance such election precincts as aforesaid as may be deemed necessary, in order to provide for the convenience of the electors.

CHAPTER II. FORM OF GOVERNMENT

Sec. 2.01. Form of government. The form of government established by this Charter is the "Council-Manager Plan". The Council shall exercise the legislative power of the City and determine all matters of policy. The City Manager shall be the head of the administrative branch of the city government and shall be responsible to the Council for the proper administration of all affairs relating to the City.

Sec. 2.02. Boards and commissions. Except for the Police Commission and the Board of Equalization there shall be no separate administrative board of health, library board, park board, or any other administrative board or commission, but there may be boards or commissions for the administration of a function with another political subdivision. The Council shall itself be and perform the duties and exercise the powers of such boards and commissions. The Council may, however, establish committees to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City.

Sec. 2.03. Elective officers. The Council shall be composed of a mayor and six (6) aldermen. The Mayor, Municipal Judge and Constable shall be qualified electors and shall be elected at large. Two (2) aldermen shall be elected from each aldermanic district and shall be qualified electors. The Mayor, Aldermen and the Constable shall be elected for terms of two (2) years and the Municipal Judge for a term of six (6) years.

Sec. 2.04. Incompatible offices. No member of the Council shall be appointed City Manager, nor shall any member hold any other paid municipal office or employment under the City during the term of office for which he was elected. Until one year after the expiration of his term as Mayor or Alderman, no former member shall be appointed to any paid appointive office or employment under the City which office or employment was created or the emoluments of which were increased during his term as Mayor or Alderman.

Sec. 2.05. Vacancies in the council. A vacancy in the Council shall be deemed to exist in case of the failure of any person elected thereto to qualify as required by law prior to the date of the first meeting of the new council,

or by reason of the death, resignation, removal from office, removal from the City, continuous absence from the City for more than three (3) months, or conviction of a felony under the laws of any State or of the United States, (unless restored to full civil rights) of any such person whether before or after his qualification, or by reason of the failure of any alderman without good cause to perform any of the duties of membership in the Council for a period of three (3) months. In each case the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same for the unexpired term.

Sec. 2.06. The mayor. the Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. Except in a case of a tie vote the Mayor shall not have a vote as a member of the Council. All ordinances and resolutions shall, before they take effect, be presented to the Mayor, and if he approves thereof he shall sign the same; such as he shall not sign he shall return to the Council with his objections thereto by depositing the same with the City Clerk to be presented to the Council at their next regular meeting thereafter.

Upon the return of any ordinances or resolutions by the Mayor without his signature the vote by which the same was passed shall be reconsidered, and if after such reconsideration the Council shall pass the same by a vote of two-thirds (2/3) of the members-elect, it shall have the same effect as if approved by the Mayor; and in such case the votes shall be by yeas and nays, and shall be entered by the City Clerk on record.

If any ordinance or resolution shall not be returned by the Mayor within five (5) days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

He shall exercise all other powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the City, and the laws of the State. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. He shall study the operations of the city government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Sec. 2.07. Salaries. For the faithful discharge of the duties of their respective offices, the elected officials shall receive the following salaries: the Mayor, \$100 per month; each Alderman, \$75 per month. The City Manager and all other officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Sec. 2.08. Investigation of city affairs. The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. There shall be an annual audit of the city accounts by a Certified Public Accountant selected by the Council, who shall certify, among other things, that the accounts and records of the City have been maintained in accordance with this Charter and with the Statutes of the

State of Minnesota, and that all funds of the City have been handled according to law; a copy of such audit shall be filed with the City Clerk and with the Chairman of the Charter Commission not later than 30 days after completion of the audit. The Council may at any time or shall upon petition of not less than 100 freeholders of the City provide for an examination or audit of the accounts of any officer, employees or department of the city government by the State Public Examiner. The Council may cause to be made any survey or research study of any department of the City or any other suggestion of municipal concern.

Sec. 2.09. Interferences with administration. Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER III.
PROCEDURE OF COUNCIL

Sec. 3.01. Council meetings. On the first business day of January following a regular municipal election, the Council shall meet at the usual place and time for the holding of Council meetings. At this time the newly elected members of the Council shall take their oath of office and assume their duties. Thereafter the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor or any three members of the Council may call special meetings of the Council upon at least twenty-four hours' notice to each member of the Council delivered personally to each member or left at his usual place of residence with some responsible person. All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Sec. 3.02. Secretary of council. The City Clerk shall act as Secretary of the Council, and shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this Charter or the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk the Council may designate any other official or employee of the City, except the City Manager or a member of the Council, to act.

Sec. 3.03. Rules of procedure and quorum. The Council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which absent members may be compelled to attend.

Sec. 3.04. Ordinances, resolutions, and motions. Except as in this Charter otherwise provided, all legislation shall be by ordinance. The Council shall keep a journal of its proceedings and the yeas and nays when taken on any question shall be entered on such journal. Any member of the Council who, being present when his name is called, fails to vote upon any pending propo-

sition, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative on said pending proposition.

An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter. No appropriation of money; nor any resolution, order or ordinance for the payment of money or creating any pecuniary liability, shall be valid or operative unless it shall have been passed by a vote of four members of the Council, taken by ayes and nays, and entered upon the record of the proceedings of the Council.

Sec. 3.05. Procedure on ordinances. The enacting clause of all ordinances shall be in the words, "The City of West Saint Paul does ordain". Every ordinance shall be presented in writing. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced and at least fourteen days shall elapse between its introduction, publication and final passage.

Sec. 3.06. Emergency ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined therein and declared in a preamble thereto, and is adopted by a vote of at least four members of the Council. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the City Clerk and until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Sec. 3.07. Procedure on resolutions. Every resolution shall be read in full before a vote is taken thereon, unless the reading is dispensed with by unanimous consent.

Sec. 3.08. Signing and publication of ordinances and resolutions. Every ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk and filed and preserved by him. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Sec. 3.09. When ordinances and resolutions take effect. All ordinances or resolutions passed by the Council shall go into effect upon the expiration of 30 days after it has been approved and published unless it shall be necessary for the preservation of the public peace, health, morals, safety or welfare, and the Council shall by a vote of at least four members declare that it shall go into effect immediately upon its publication. The necessity for such emergency action shall be stated in the title and in a section of such ordinance or resolution.

Sec. 3.10. Amendment and repeal of ordinances and resolutions. Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set

forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by enclosing it in brackets. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses. Unless the repealing ordinance states otherwise, proceedings pending at the time of repeal shall continue to final disposition under the terms of the former ordinance

Sec. 3.11. Revision and codification of ordinances. The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

CHAPTER IV. NOMINATIONS AND ELECTIONS

Sec. 4.01. Primary and general elections. On the day designated by the Statutes of the State of Minnesota for "primary election" there shall be held in each even-numbered year in the City of West Saint Paul an election to be designated "City Primary Election" for the selection of candidates for all city offices to be elected at the next ensuing "General Election" in such city. Each "City Primary Election" shall be conducted as follows: Not less than fifteen (15) days preceding the "City Primary Election" any eligible person desirous of having his or her name placed upon the city primary election ballot as a candidate for an elective city office shall file an affidavit in the office of the City Clerk, stating his or her residence, that he or she is a qualified elector in the City; naming the office for which he or she desires to be a candidate and that he or she has not filed as a candidate for any other office at the same primary election. Upon payment by such candidate of a fee of five dollars (\$5.00) to the City Clerk, that officer shall place the name of such candidate upon the city primary ballot without any political party designation except that where only two persons have filed for any one office, the names of such persons shall not be placed upon said primary ballot but shall be placed upon the "general election ballot" as the nominees for the office named. Only the names of candidates who have filed, as herein provided, shall be printed on the "primary election ballot" and there shall be no political party designation or mark on such ballot indicative of the source of the candidacy or the support of any candidate. There shall be no blank spaces on such ballots for writing in the names of candidates. Votes cast for any candidate whose name has not been duly placed on such ballot shall not be counted.

The results of the City Primary Election shall be canvassed by the Council. The two candidates for each elective office who receive the highest number of votes shall be the nominees for the office named and their names shall be certified to the City Clerk who shall place them on the "city general election ballot" without partisan designation.

When a vacancy occurs in any nomination made at the "City Primary Election" such vacancy may be filled by petition as provided by law. No candidate defeated at the "City Primary Election" shall be eligible for nomination by

petition for the same office in that year.

Except as herein regulated or otherwise provided, the "City Primary Election" shall be conducted in accordance with the Minnesota Election Law which, so far as practicable, is hereby adopted as a part hereof the same as if specifically set forth herein.

The "City General Election" shall be held on the first Tuesday after the first Monday in November, 1962, and in each even-numbered year thereafter.

Sec. 4.02. Officers to be elected. At each General City Election there shall be elected a Mayor, a Constable and two (2) Aldermen from each ward to serve a two (2) year term. A Municipal Judge shall be elected for a term of six (6) years and he shall be elected in the general election year in which his term expires.

Sec. 4.03. Officers - how elected. The Mayor, Constable and the Municipal Judge shall be elected by and from the body of electors of said City, and two (2) Aldermen shall be elected by and from the electors of each ward respectively.

Sec. 4.04. Official year. The official year of said City shall begin on the first Monday after the first day of January, and the term of office of the Mayor, Constable and the Aldermen shall be two (2) years from and after the first Monday after the first day of January next succeeding their election, and until their successors shall have been duly elected and qualified.

Sec. 4.05. Aldermen - qualifications. Every alderman at the time of his election shall be, and during his term of office shall remain, a qualified elector and resident of the ward by which he was elected, and no alderman shall, during the term of office for which he is elected, hold any other paid city office.

Sec. 4.06. Notice of election - by the city clerk. The City Clerk at least fifteen (15) days before the holding of any general city election, and twenty (20) days before the holding of any special city election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting a notice in each precinct of every election district, containing a list of officers to be elected at such election, and such notices to be posted at the place of holding the election, and by publication at least once in the official newspaper; provided that failure of the City Clerk to give such notice shall not invalidate an election.

Sec. 4.07. Canvass of elections. All general laws of the State of Minnesota relating to elections, and preliminaries thereto, shall so far as applicable, apply to and govern all elections under the Charter, and are hereby adopted as a part of this Charter the same as if herein specifically enacted.

The Council shall meet and canvass the election returns within two (2) weeks after any municipal election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoilt or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of

election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of their election.

Sec. 4.08. Special elections. The Council may by resolution adopted by majority vote of the members-elect, order a special election for the electors of the City, and provide for holding the same. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such special election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.

CHAPTER V.
INITIATIVE AND REFERENDUM

Sec. 5.01. Powers reserved by the people. The people of West Saint Paul reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to require such an ordinance when passed by the Council to be referred to the electors for approval or disapproval. These powers shall be called the initiative, and the referendum, respectively.

Sec. 5.02. Expenditures by petitioners. No member of any initiative, or referendum committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed fifty dollars (\$50.00) for stationery, copying, printing, and notaries' fees. Any violations of the provisions of this section is a misdemeanor.

Sec. 5.03. Further regulations. The Council may provide by ordinance such further regulations for the initiative, and referendum, not inconsistent with this Charter, as it deems necessary.

Initiative

Sec. 5.04. Initiation of measures. Any five registered electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition they shall file a verified copy of their proposed ordinance with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Sec. 5.05. Form of petition and of signature papers. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered electors equal to at least ten (10) per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person

whose name it purports to be. Each signature paper shall be in substantially the following form.

Initiative Petition

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

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

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

<u>Name</u>	<u>Address</u>
-------------	----------------

Adding as many more lines as are necessary so that all petitioners when totaled will equal not less than 10% of the total number of votes cast at the last preceding regular municipal election.

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

Sec. 5.06. Filing of petitions and action thereon. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the petition, the City Clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten (10) per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committees of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the electors at the next regular or any special election at its option.

Sec. 5.07. Action of council on petition. When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of electors which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen (15) per cent of the total number of electors voting at the last regular municipal election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least $\frac{4}{5}$ of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

Sec. 5.08. Initiative ballots. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the electors the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the electors voting on any such ordinance vote in faovr of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the elector shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Sec. 5.09. Initiation of charter amendments. Nothing in this Charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this Charter.

Referendum

Sec. 5.10. The referendum. If within ten (10) days of the effective date of any emergency ordinance or if prior to the date when any other ordinance takes effect, a petition signed by registered electors of the City equal in number to fifteen (15) per cent of the total vote at the last regular municipal election is filed with the City Clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote reaffirm the ordinance as passed. In the latter case,

the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately.

Sec. 5.11. Referendum petitions. The requirements laid down in sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

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

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

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

<u>Name</u>	<u>Address</u>
_____	_____

Adding as many lines as are necessary so that all petitioners when totaled will equal not less than 15% of the total number of votes cast at the last preceding regular municipal election.

Sec. 5.12. Referendum ballots. The form of the ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

CHAPTER VI.
ADMINISTRATION OF CITY AFFAIRS

Sec. 6.01. The city manager. The City Manager shall be the chief administrative officer of the City. He shall be chosen by the Council not later than thirty (30) days after the effective date of this Charter solely on the basis of his training, experience, and professional qualifications.

He need not be a resident of the City, but he shall be a citizen of the United States. Until the appointment of the City Manager, the City Clerk, the City Treasurer, all heads of departments and all subordinate officers and employees in the departments holding office on the effective date of this Charter, shall continue in office and in employment of the City; but the term of any such officer shall expire and any contract of employment of any such employee shall terminate automatically sixty (60) days from the appointment of the City Manager, subject to re-appointment or re-employment of any such officer or employee by the City Manager. The City Manager shall be appointed by the Council for an indefinite term and may be removed by the Council at any time during his first year of service; but after he has served as City Manager for one (1) year, he can be removed, discharged, or suspended without pay for not in excess of thirty (30) days, at any time by the affirmative vote of a majority of the Council. In case of any such action by the Council, the City Manager may, within fifteen (15) days after notice of his removal, discharge, or suspension, make demand on the City Clerk for written charges specifying the grounds for such removal, discharge or suspension, and a public hearing shall be held by the City Council thereon within ten (10) days of the written request by the City Manager and until such hearing is held the proposed removal, discharge or suspension shall not take effect. If such hearing is demanded and is held, the Council shall have unlimited discretion either to reinstate the City Manager and revoke any suspension or make his removal or discharge final. Pending such hearing and removal or discharge, the Council may suspend the City Manager from office without pay for not more than thirty (30) days. During the absence, disability or suspension without pay of the City Manager, or during such time as the office of City Manager may be vacant, the Council may designate, on a temporary basis, some properly qualified person to perform the duties of the City Manager.

Sec. 6.02. Powers and duties of the city manager.

Subd. 1. Subject to the provisions of this Charter and any council regulations consistent therewith, the City Manager shall manage, control and direct the administration of the city's affairs. He shall have the powers and duties set forth in the following subdivisions:

Subd. 2. He shall see that this Charter and the laws, ordinances and resolutions of the City are enforced.

Subd. 3. Except for the City Attorney and City Assessor both of whom shall be selected, appointed and removed by the Council, the City Manager shall appoint, promote and remove, upon the basis of merit and fitness the City Clerk, all heads of departments and all subordinate officers and employees in the departments. No subordinate officer or employee of the City shall be discharged from his employment unless and until such employee has had a hearing by the Council if such employee requests the hearing within fifteen (15) days of the effective date of such discharge or such greater period as may be specified in any contract with the City covering such employee.

Subd. 4. He shall exercise full control over all departments and divisions of the city administration created by this Charter or by the Council pursuant to this Charter. Except as provided by the Statutes of the State of Minnesota or by other specific provisions of this Charter, he shall exercise full control over all departments and divisions of the city administration created by this Charter or by the Council pursuant to this Charter.

Subd. 5. Except for such meetings of the Council at which his removal, discharge or suspension is to be considered, he shall attend all meetings of the Council and shall have the right to take part in the discussion

at any meeting of the Council, but he shall not have the right to vote thereat.

Subd. 6. He shall make written recommendations to the Council for adoption of such measures as he may deem necessary for the City or the welfare of its people or the efficient administration of the City's affairs.

Subd. 7. He shall keep the Council informed at least quarterly annually as to the financial condition of the City and its fiscal needs. He shall prepare and submit to the Council not later than September 10th of each year the annual budget for the operation of the City and the conduct of its affairs for the ensuing calendar year.

Subd. 8. Not later than 120 days after the effective date of his appointment as City Manager, he shall prepare and submit to the Council for its consideration and adoption an administrative code incorporating the details of administrative procedure to be followed in conducting the affairs of the City, and from and after the adoption of the administrative code by the Council, he shall recommend in writing proper and necessary amendments to such code.

Subd. 9. He shall perform such other or further duties as may be prescribed by this Charter or by law or required of him by ordinance or resolution adopted by the Council not inconsistent with the provisions of this Charter.

Sec. 6.03. Departments of administration. The Council shall in conjunction with the City Manager, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinances; but in so doing the Council may not create any department, division, bureau or position for the administration of the City's affairs contrary to the provisions of this Charter.

Sec. 6.04. Subordinate officers. Except as otherwise herein provided, there shall be a City Clerk, a City Treasurer, and such other officers subordinate to the City Manager as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Manager, and shall have such duties in connection with the keeping of the public records and the general administration of the City's affairs as is prescribed in the administrative code. The City Treasurer shall be subject to the direction of the City Manager and shall have the custody and disbursement of the public funds. Except for those offices specified in this Charter, the Council may by ordinance abolish any office or combine the duties of various offices which have been created by ordinance prior to the adoption of this Charter.

Sec. 6.05. Court officer. If the services of the statutory constable are not available the Council may appoint a Court Officer, who shall have the powers of a policeman, attend the sessions of the municipal court and perform all duties in connection therewith, when ordered by the court. For his time in attending court, he shall receive the minimum salary of a policeman on a prorata basis.

He shall serve all papers of the municipal court that are placed in his hands, and for such service, shall receive and retain the fees allowed constables as provided by State Law.

He shall give bond to the City of West Saint Paul conditioned upon the faithful performance of his duties for the benefit of all persons interested; the bond to be approved by the Council.

Sec. 6.06. Purchases and contracts. The City Manager shall be the chief purchasing agent of the City. All city purchases and contracts shall be made or let by the City Manager when the amount of the purchase or contract does not exceed \$2,500.00. All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Manager has first been obtained. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the City.

Sec. 6.07. Contracts: how let. In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than \$2,500.00, unless the Council shall by emergency ordinance otherwise provide, the City Manager shall advertise for bids in such manner as may be required by law. Contracts of this magnitude shall be let only by the Council to the lowest responsible bidder after consideration of the recommendation of the City Manager. The Council shall require every bid to be accompanied by a bond or certified check in such sums and with such surety and conditioned as the Council may prescribe. The Council shall also require the successful bidder to furnish certificates of insurance in such amounts and coverage as the Council may prescribe. The Council may, however, reject any and all bids. Nothing contained in this section shall prevent the Council from contracting by a two-thirds vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

CHAPTER VII. TAXATION AND FINANCES

Sec. 7.01. Council to control finances. The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 7.02. Fiscal year. The fiscal year of the City shall be the calendar year.

Sec. 7.03. System of taxation. Subject to the State constitution, and except as forbidden by it or by state legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform as fully as possible to the general State Law as to the assessment of such property and the collection of such taxes.

Sec. 7.04. Board of equalization. At the first stated meeting in March, the Council shall appoint a Board of Equalization, consisting of one member from each ward for an initial term as follows: The member from the 1st ward for a term of one (1) year, the member from the 2nd ward for a term of two (2) years, the member from the 3rd ward for a term of three (3) years; thereafter the term of each member shall be three (3) years. They shall be

sworn, according to law, as such board, and shall meet annually at the room occupied by the Council of said City at such time as such boards are required to meet, as provided by the general laws of this State, and shall equalize assessments of property for taxation purposes according to law. Each member of said Board of Equalization shall receive \$3.00 per hour for the time actually employed in serving on said Board of Equalization.

Sec. 7.05. Preparation of the annual budget. The City Manager shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all of the funds of the City, except the funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include any such funds at the discretion of the Council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the City under the following heads:

(1) Ordinary expenses (for operation, maintenance, and repairs); (2) payment of principal and interest on bonds and other fixed charges; (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be sub-divided into: (a) salaries and wages, with a list of all salaried offices and positions, including the salary allowance and the number of persons holding each; (b) other expenses, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and the current fiscal year, actual to date and estimated for the balance of the year. In addition to the estimates of expenditures, the budget shall include for each budgeted fund a statement of the revenues which have accrued for the past two completed fiscal years with the amount collected and the uncollected balances together with the same information, based insofar as necessary on estimates, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) earnings of public utilities and other public service enterprises, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten and there shall be sufficient copies for each member of the Council, for the City Manager, for the City Clerk and such additional copies as the Council deems necessary for the public interest. The estimates shall be submitted to the Council at its first regular meeting in September and shall be made public. The City Manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years of operation under this Charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the City's finances with those of the previous government of the City as may be feasible and pertinent.

Sec. 7.06. Passage of the budget. The budget shall be the principal item of business at the first regular monthly meeting of the Council in September and the Council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in detail the complete

financial plan of the City for the ensuing fiscal year for the funds budgeted and shall be signed by the majority of the Council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to Section 7.05. The total sum appropriated shall be less than the total estimated revenue by a safe margin which shall in no case exceed 5%. The Council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying whatever taxes it considers necessary within statutory and Charter limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with the law. At the last council meeting in December of each year the council by appropriate resolution shall transfer all unexpended balances as of December 31 to their respective funds as of January 1 of the following year, but such balances so transferred shall be first applied in reduction of the total amount budgeted for that year in the respective funds to which any balance is so transferred. At the beginning of the fiscal year the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and for no other purpose.

Sec. 7.07. Enforcement of the budget. It shall be the duty of the City Manager to enforce strictly the provisions of the budget. He shall not approve any order upon the City Treasurer for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and incumbrances. No officer or employee of the City shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Sec. 7.08. Alterations in the budget. After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise. The Council may at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the payment of such sums as may be required to discharge unforeseen obligations and other costs required by the public convenience and necessity.

Sec. 7.09. Emergency appropriation in budget. The Council shall not include any emergency appropriation as a part of the budget. Such amount shall be included in the next subsequent year's budget in an amount equal to any excess of payments over amounts budgeted in the previous year.

Sec. 7.10. Disbursements, how made.

Subd. 1. All disbursements shall be made only upon the order of the City Manager and City Clerk, duly authorized by a resolution or motion of the Council, and every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the City Treasurer, and the latter shall

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

Subd. 2. Limitation on disbursements. The total expenditures from the general fund shall not in any one calendar year exceed \$33.00 per capita for each inhabitant of the City. This limitation may be exceeded only in the event of the City contracting with an adjoining or adjacent municipality or other governmental unit for some utility service if such contract requires an advance expenditure of funds for which the City shall receive benefits during the life of such contract. The annual average costs over the life of any such contract shall not bring the total average operating costs of the City as provided in the General Fund in excess of the \$33.00 per capita limitation.

To determine the population upon which this per capita limitation shall be based, the City Manager and the Council shall take the United States census figures of population for the City last announced previous to completion of any annual budget, and shall add thereto for each year that has elapsed since said United States census a number equal to one-tenth (1/10) of the increase in the population of the City during the period between said census and the last previous United States census.

Sec. 7.11. Funds to be kept. There shall be maintained in the city treasury the following funds:

Subd. 1. A general fund, for the payment of the general expenses of operating the City. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund, including, by way of illustration but not of limitation, moneys received as county and state-aids for maintenance of roads and streets, all moneys received from taxes levied on property for the support of this fund, and all collections from any new taxes hereafter established by the Council or by apportionment of any state, county or federal taxes now or hereafter made available which are not excluded by law for use for such purposes as provided by this Charter for the general fund. Any surplus in this fund not needed immediately for the purpose thereof may be invested under the direction of the Council in such securities as authorized by statute for the investment of such funds: any such investments may be liquidated at any time.

Subd. 2. A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at

any time. To the extent required by law, a separate account in the debt service fund shall be maintained for each issue of City obligations.

Subd. 3. A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

Subd. 4. A special assessment fund, which shall be used to finance local improvements to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest and penalties levied against the benefited property; (2) proceeds of bonds or warrants sold by the City to finance local improvements to be paid for, in whole or in part, by special assessments; and the proceeds of inter-fund loans; (3) amounts from other city funds representing either (a) apportionments of costs against the City at large, (b) benefit assessments against City property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects financed through the fund; (2) the redemption of all special assessment fund obligations, with interest, at or before maturity; and any inter-fund loans; and (c) abatements of assessments and refunds of receipts in error. The Council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments and the municipal share of the cost of a local improvement, the Council may by a majority vote issue and sell obligations pledging the full faith and credit of the City, or pledging only special assessments, in such amounts and maturities as it may determine; but the aggregate amount of such obligations outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and uncollected; (2) cost of work in progress to be financed in whole or in part by special assessments, and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all local improvement projects financed through it shall upon completion be certified by the City Manager as to total cost, which shall thereupon be apportioned by the Council either as assessments against benefited property or as amounts due from other city funds. Amounts apportioned against other city funds shall be due when installments of special assessments levied for the same project are due, corresponding assessment rolls shall be charged interest as in the case of assessments and shall be credited to the fund, with any interest due, when collected. To the extent required by law, a tax for the City's share of the cost shall be levied before any obligations against the fund are issued and sold. When a local improvement to be financed wholly or partly from special assessment, is undertaken under any applicable statute, any provision of this subdivision inconsistent with the statute shall not apply.

Subd. 5. A public utility fund, into which shall be paid all money derived from the sale of obligations issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.

Subd. 6. In addition to the foregoing funds, there may be maintained in the city treasury, whenever the Council deems it advisable, the following funds:

(a) One or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds:

(b) one or more trust and agency funds, for the care and disbursement of money received and held by the City as trustee or custodian or in the capacity of an agent for individuals or other governmental units;

(c) such other funds as may be required by statute or ordinance.

Subd. 7. In lieu of establishing any of the types of funds specified in Subd. 6, the Council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The Council shall have full power by ordinance or resolution to make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate from time to time.

Sec. 7.12. Accounts and reports. The City Manager shall be the chief accounting officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances adopted in accord therewith. He shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the City as the Council may require. Once each year, on or before the last day of February, the City Manager shall submit a report to the Council covering the entire financial operations of the City for the past year. This report shall show: the actual receipts and expenditures, omitting duplications and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the City, when due, the amount of new bonds issued and the amount redeemed, and the interest rate of each; the condition of all the annual budget allowances; an inventory of all the property owned by the City, and such further information as the City Manager deems advisable or the Council requires.

Sec. 7.13. City indebtedness. Except as provided in Secs. 7.14 and 7.15, no obligations shall be issued to pay current expenses but the Council may, when authorized to do so by a majority of the electors of the City voting thereon at a general or special election, issue and sell obligations for any other municipal purpose in accordance with law and within the limits prescribed by law.

Sec. 7.14. Tax anticipation certificates. At any time after January 1 following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 50% of the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. Such certificates shall be issued on such terms and conditions as the Council may determine and shall bear

interest at a rate not to exceed 6% per annum, but they shall become due and payable not later than the last day of the year of their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Sec. 7.15. Emergency debt certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City; or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance, issue and sell on such terms and in such manner as the Council determines, emergency debt certificates to run not to exceed two (2) years and to bear interest at not more than six (6) per cent per year. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least four members of the Council. It may be passed as an emergency ordinance.

CHAPTER VIII.
PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Sec. 8.01. Power to make improvements and levy assessments. The City shall have the power to make any and every type of public improvement nor forbidden by 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.

Sec. 8.02. Assessments for services. The Council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, service on streets, sidewalks or other public property, or of any other public service, 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. 8.03. Local improvements regulations. After this Charter takes effect all local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by law or charter provisions applicable thereto. The Council shall prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements, providing for collections of such assessments and levying assessments therefor, within a period not more than 90 days from the completion date specified in the contract covering such local improvement. Such ordinance shall supercede all provisions of the law on the same subject and may be amended only by an affirmative vote of at least four members of the Council.

Sec. 8.04. 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 IX.
EMINENT DOMAIN

Sec. 9.01. Power to acquire property. The City may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries which may be needed by the City for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

Sec. 9.02. Proceedings in acquiring property. All proceedings by the City to acquire property for public purposes shall be in accordance with the Statutes of the State of Minnesota in such case made and provided (as the same now exist, with all amendments or supplements thereto hereafter made), which shall be the exclusive procedure governing all acquisitions of property by condemnation by the City.

CHAPTER X.
FRANCHISES

Sec. 10.01. Franchises required. Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

Sec. 10.02. Term. No perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

Sec. 10.03. Public hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

Sec. 10.04. Power of regulation reserved. Subject to any applicable law the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Sec. 10.05. Renewals or extension. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall

be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER XI.
PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Sec. 11.01. Acquisition and operation of utilities. The City may own and operate or contract for any gas, water, heat, power, light, telephone or other public utility service for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Sec. 11.02. Rates and finances. Upon recommendations made by the City Manager or upon its own motion, the Council shall fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Sec. 11.03. Purchase in bulk. The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Sec. 11.04. Lease of plant. The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four members of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Sec. 11.05. Public utility - how sold. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease or abandonment shall be subject, in addition, to the requirements of state law.

CHAPTER XII.
MISCELLANEOUS AND TRANSITORY PROVISIONS

Sec. 12.01. Official publications. The Council shall biennially designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published all ordinances, resolutions 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. 12.02. Oath of office. Every officer of the City shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this State and to discharge faithfully the duties of my office as (Mayor, Councilman, City Manager, etc.) of the City of West Saint Paul to the best of my judgment and ability."

Sec. 12.03. City officers not to be interested in contracts. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

Sec. 12.04. Official bonds. The City Manager, the City Clerk, the City Treasurer, Constable 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 as to form by the City Attorney, and approved by the City Council, and filed with the City Clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the City.

Sec. 12.05. Sales of real property. No real property of the City shall be disposed of except by ordinance. 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 other property used for the same public purpose.

Sec. 12.06. Vacation of streets. The Council may by ordinance approved by at least four 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. 12.07. City to succeed to rights and obligations of former city. The City shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the City under the former Charter.

Sec. 12.08. Present officers to hold office till when. The present Council of the City shall continue in their respective offices and shall function subject to the provisions of this Charter until the expiration of their respective terms.

Sec. 12.09. Statutes not affected by charter. All general laws and statutes of the State, as the same now exist, applicable to all cities operating under home rule charter, or applicable to cities of the same class as the City of West Saint Paul operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of

West Saint Paul, and shall be construed as supplementary to the provisions of this Charter.

Sec. 12.10. Existing ordinances continued. All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Sec. 12.11. 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. 12.12. 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.

LETTER OF TRANSMITTAL.

To the Honorable Arnold E. Kempe, Mayor of
the City of West Saint Paul, Minnesota:

We, the undersigned Board of Freeholders, duly appointed by the Honorable Judges of the District Court of Dakota County, Minnesota, as a commission with power to propose amendments to the Charter of the City of West Saint Paul, pursuant to Article IV, Section 36 of the Constitution of the State of Minnesota and Chapter 410, Minnesota Statutes Annotated, after due consideration, do herewith propose and respectfully transmit to your Honor for submission to the electors a new charter.

Dated this _____ day of September, 1962.

Erwin H. Diedrich
Mrs. Richard Frantes
Frank W. Fristensky
Wm. D. Korfhage, Sr.
Jacob H. Marthaler
C. J. McDermott
J. Artus Miller
Mrs. Margy Novadzyk
Alfred A. Ohmann
Anton L. Olson, President
Francis C. Scholz
Robert O. Sullivan
Mrs. Pearl Vitelli
Mrs. Audrey Wegwerth
Mrs. Margaret Weschke

#16023

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 10 1962

Joseph L. Donovan
Secretary of State