

# City Charter for Blaine

#17175  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 21 1964  
*Joseph L. Asanow*  
Secretary of State

Approved by  
  
BLAINE CHARTER COMMISSION  
  
September 30, 1964  
  
and by  
  
BLAINE VILLAGE COUNCIL  
  
October 1, 1964

#### CHAPTER 1 Name Boundaries, Powers, and General Provisions.

Section 1.01. Name and boundaries. The Village of Blaine, in the County of Anoka, 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 Blaine, with the same boundaries as now are or hereafter may be established.

Section 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 constitutions 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 Blaine might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. 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.

Section 1.03. Charter a public act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

#### CHAPTER 2 Form of Government

Section 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.

Section 2.02. Boards and commissions. There shall be no sep-

arated administrative board of health, library board, park board, or any other administrative board or commission, except for the administration of a function jointly 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 boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions.

Section 2.03. Elective Officers. The council shall be composed of a mayor and four (4) councilmen who shall be qualified electors of the City of Blaine, and who shall be elected at large. Each councilman, including the mayor, shall serve for a term of two (2) years and until his successor is elected and qualifies. The terms of office of all members of the council at the time of adoption of this charter shall end on their normal expiration dates with the exception of the councilman who is elected for a three year term in the same year this charter is adopted. Said councilman's term shall expire December 31st, two years after adoption of this charter. The successful candidate for the office of clerk shall assume the office of councilman upon the adoption of this charter.

Section 2.04. Incompatible Offices. No member of the council shall be appointed city manager, nor shall any member hold any paid municipal office or employment under the city, and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the city, which office or employment was created or the emoluments of which were increased during his term as councilman.

Section 2.05. Vacancies in the council. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of two months. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until January 1 following the next regular municipal election, when the office shall be filled for the unexpired term.

Section 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. The mayor shall have a vote as a member of the council. He shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the laws of the state. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purpose of martial law. He shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency he may with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.07. Salaries. The monthly salary of each of the councilmen shall be \$75.00 per month, and the monthly salary of the mayor shall be \$100 per month until changed by ordinance, but

shall not be increased during the current term of office of the councilmen or mayor at the time of enactment of such ordinance. The mayor and councilmen, in addition to the above salaries, shall be paid a reasonable sum for each day and their reasonable expenses incurred while traveling outside the city on the city's business.

Section 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. The council shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. Interferences with administration. The council may by ordinance establish the merit system in all or part of the city administration, but 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 3

##### Procedure of Council

Section 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 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 twelve hours' notice to each member of the council. Such notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. All official meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

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

Section 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 a minority may compel the attendance of absent members.

Section 3.04. Ordinances, resolutions, and motions. Except as in this charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and mo-

tions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this chapter.

Section 3.05. Procedure on ordinances. The enacting clause of all ordinances passed by the council shall be in the words, "The city of Blaine does ordain." Every ordinance shall be presented in writing and shall have one public reading in full at the meeting at which it is introduced. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced, nor before the next regularly scheduled meeting of the council.

Section 3.06. Emergency ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by a vote of at least four (4) 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 posted in three conspicuous places or 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.

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

Section 3.08. Signing and publication of ordinances and resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, attested by the city clerk and filed and preserved by him. Every ordinance shall be published at least once in the official newspaper. 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 regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Section 3.09. When ordinances and resolutions take effect. A resolution on an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed in it. Every other ordinance shall take effect thirty (30) days after publication or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Section 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 publications, 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.

Section 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 reason-

able 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 4

##### Nominations and Elections

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

Section 4.02. Regular municipal elections. A regular municipal election shall be held on the 1st Tuesday after the first Monday in November of the year in which an election is to be held at such place or places as the city council may designate by resolution. At least 15 days notice shall be given by the city clerk of the time and places of holding such election, and of the offices to be elected, by posting a notice thereof in at least one public place in each precinct or precincts where the election is held and by publishing a notice thereof at least once in the official newspaper of the city, but failure to give such notice shall not invalidate such election.

Section 4.03. Primary elections. On Tuesday 4 weeks in advance of the regular municipal election, there shall be a primary election for the selection of two nominees for each elective office at the regular municipal election, unless only two nominees file for a particular elective office, in which case such two or fewer persons shall be considered and shall be the nominees for such office.

Section 4.04. Special Elections. The council may by resolution, order a special election and provide all means for holding it. Published notice of a special election shall be given in the official newspaper at least two weeks prior to such special election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.05. Judges of election. The council shall at least 25 days before each election, appoint at least three qualified electors for each voting precinct to be judges of election. The council shall set compensation for the election judges and clerks.

Section 4.06. Candidate for office. All candidates for offices provided for by this charter who shall desire to be elected to any elected office shall file an affidavit not more than 82 days nor less than 68 days prior to the general election, with the city clerk, paying to such officer a fee of \$5.00. Such affidavit or application shall state that the candidate is a qualified voter of the City of Blaine and name the office for which he is a candidate. The City Clerk shall prepare and have printed, at the expense of the city, the necessary ballots and materials for conducting the election.

Section 4.07. Withdrawal of candidate. Any person whose name has been presented in the manner provided for in the foregoing section as a candidate, may, not later than 12 o'clock noon of the day after the last day for filing, cause his name to be withdrawn from nomination by filing with the City clerk a request to do so in writing. No name so withdrawn shall be printed upon the ballot.

Section 4.08. Canvass of elections and taking of office. The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible and file a statement thereof with the city clerk, and

ner as are special assessments.

Section 8.03. Local Improvements - Regulations. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereon as prescribed by the law (or charter provisions) applicable thereto. The council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinance shall supercede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least four (4) members of the council. In the absence of such ordinances all local improvements may be made and assessments levied therefor as prescribed by an applicable law.

Section 8.04. Public Works - How Performed. Public works, including all local improvements, may be constructed, extended, repaired and maintained either 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 pertaining to and governing public works.

#### CHAPTER 9 Eminent Domain

Section 9.01. Power to acquire Property. The city is hereby empowered to acquire by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by 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.

Section 9.02. Proceedings in acquiring property. The necessity for taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by legal proceedings, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter. Any condemnation proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun.

Section 9.03. Payment of award. Whenever an award of damages is confirmed in any proceedings for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within 60 days of such final determination pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Section 9.04. City May Abandon Proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within 30 days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof including fees of counsel.

Section 9.05. City May Take Entire Plant. If the city condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises, and rights which comprise such system may, unless other-

wise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the city, when the plant and property are separable into distinct parts, from acquiring only such parts or part thereof as may be necessary in the public interest.

#### CHAPTER 10 Franchises

Section 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.

Section 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon, at a general or special election.

Section 10.03. Public Hearings. 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 twice in the official newspaper not less than twenty days prior to the date of the hearing.

Section 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.

Section 10.05. Renewals or Extensions. 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 11 Public Ownership and Operation of Utilities

Section 11.01. Acquisition and Operation of Utilities. The city may own and operate any gas, water, heat, power, light, telephone, or other public utility 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.

Section 11.02. Rates and Finances. Upon recommendations made by the city manager or upon its own motion, the council may fix rates, fares, and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable, before any such rates, fares, or prices are fixed by the council. 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.

Section 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.

Section 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.

Section 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.

Section 11.06. Notice of Hearings. Notice of hearings shall be published at least twice in the official newspaper not less than twenty days prior to the date of hearing. Additional notice of such public hearing may be given in such manner as the council may determine.

#### CHAPTER 12 Miscellaneous and Transitory Provisions

Section 12.01. Official Publications. The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this matter.

Section 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 devolving upon me as (mayor, councilman, city manager, etc.) of the city of Blaine to the best of my judgment and ability."

Section 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.

Section 12.04. Official Bonds. The city manager, the city clerk, the city treasurer, and such other officer 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 either individual or blanket bonds in the discretion of the council. They shall be approved by the city council and approved as to form by the city attorney and filed with the city clerk. The provisions of the laws of the state relating to the official bond not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

Section 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 this or other property used for the same public purpose. If there is no such outstanding indebtedness the proceeds shall be placed in the general fund.

Section 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 and written 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.

Section 12.07. City to Succeed to Rights and Obligations to Former Village. The city shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the preceding village.

Section 12.08. Statutes Not Affected by Charter. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Blaine operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Blaine, and shall be construed as supplementary to the provisions of this charter.

Section 12.09. 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.

Section 12.10. Pending Condemnations and Assessments. Any condemnations or assessment proceedings 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.

Section 12.11. 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.

We, the undersigned, being duly appointed, qualified, and acting members of the Charter Commission in and for the Village of Blaine, Anoka County, Minnesota hereby certify that the foregoing document, consisting of twelve chapters, is the draft of a proposed charter prepared and framed by said Charter Commission, and hereby affix our signatures to said draft in testimony of our approval thereof, and deliver the same to the Honorable Wilfred R. Swedeen, Mayor and Chief Executive Officer of the Village of Blaine for action pursuant to law.

Dated at Blaine Village, Minnesota, this 1st day of October, 1964.  
Stanley N. Thorup  
Jerome A. Trapp  
Edna Bremer  
Ray S. Johnston  
Ray M. Omann  
Wilfred R. Swedeen  
Don Knoll  
Ross D. Brown  
Robert D. Camp  
Gerald E. Schuessler  
Ray Shimek

The foregoing draft of a proposed charter and certificate in connection therewith received, this 1st day of October, 1964.

WILFRED R. SWEDEEN  
Mayor and Chief Executive  
of the Village of Blaine,  
Anoka County, Minnesota

said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots, (b) the total number of spoiled or defective ballots; (c) the vote of each candidate, with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election. The persons elected shall take office at the time provided in section 2.03.

#### CHAPTER 5 Initiative and Referendum

Section 5.01. Powers reserved by the people. The people of Blaine 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, 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.

Section 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 \$150 for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

Section 5.03. Initiation of measures. Any five 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 therefore.

Section 5.04. 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 voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

#### INITIATIVE PETITION

proposing an ordinance to  
(stating the purpose of the ordinance), a copy of which ordinance is hereto attached, the following committee of electors:

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

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption.

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

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

Section 5.05. Filing of petition 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 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 committee of sponsors of that fact, certifying the reason for his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period, the petition is found to be still insufficient or irregular, the 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 elec-

tion, or, in lieu thereof, for its submission to the electors for their approval.

tion, or, in lieu thereof, for its submission to the electors for their approval.

tors at the next regular or any special election at its option.

Section 5.06. 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 voters 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 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 15% of the total number of voters voting at last regular municipal election the council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 45 days from the date of final action on the

ordinance by the council or after the expiration of 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 months the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least 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 10 days of the passage thereof by the council, the ordinance need not be submitted to the electors.

Section 5.07. Initiative ballots. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters 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 favor 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 voter 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.

Section 5.08. Any ordinance adopted by the vote of the people cannot be repealed or amended except by a vote of the people.

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

ter 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.

Section 5.10. The referendum. If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to 15 per cent of the total vote at the last regular municipal election 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 re-affirm its adherence to 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 favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 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 following committee of electors:

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

The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to

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

proposed repeal is sponsored by the following committee of electors:

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

the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval.

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

#### CHAPTER 6

##### Administration of City Affairs

Section 6.01. The City Manager. The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the city at the time of his appointment. The city manager shall be appointed for an indefinite period and may be removed by the council at any time; but after he has served as manager for one year, he may demand written charges and a public hearing on the charges before the council prior to the date when his final removal takes effect. After such hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the manager or make his removal final. Pending such hearing and removal, the council may suspend the manager from office. The council may designate some properly qualified person to perform the duties of the manager

during his absence or disability or while the office of manager is vacant.

Section 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 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. He shall appoint and remove, upon the basis of merit and fitness and subject to applicable civil service provisions, if any, the city clerk, all heads of departments, except for the chief of police, and all subordinate officers and employees in the departments.  
Subd. 4. He shall exercise control over all departments and divisions of the city administration created by this charter or by the council.  
Subd. 5. He shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but



the council may in its discretion exclude him from any meeting.

Subd. 6. He shall recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subd. 7. He shall keep the council fully advised as to the financial condition and needs of the city, and he shall prepare and submit to the council the annual budget.

Subd. 8. He shall prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure and from time to time he shall suggest amendments to such code.

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

Section 6.03. Departments of Administration. The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organization. It may, 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 ordinance.

Section 6.04. Subordinate Officers. There shall be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as the council prescribes. He may be designated to act as secretary of the council and also as treasurer. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.05. Purchases and Contracts. The city manager shall be the chief purchasing agent of the city. Contracts for the purchase of merchandise, materials or equipment or for any kind of construction work if budgeted may be made or let by the City Manager when the amount of such contracts does not exceed \$1,000.00. If such contracts exceed the last stated amount but is less than \$2500.00, same may be made or let by the city manager, after first obtaining approval of the city council. All other purchases shall be made and all other contracts shall be let by the council. 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.

Section 6.06. Contracts: How Let. In all cases of contracts for the purchase of merchandise, materials, or equipment or for any kind of construction work undertaken by the city, which require an expenditure of more than \$2500.00 unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids by at least 15 days published notice in the official newspaper. Contracts of this magnitude shall be let only by the council upon recommendation of the city manager to the lowest bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by a four-fifths (4/5) vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Nothing contained in this section shall prevent the purchasing of real or personal property on the installment payment plan. 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. The council may advertise in other papers, or trade journals in addition to the official newspaper.

#### CHAPTER 7

##### Taxation and Finances

Section 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 disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02. Fiscal Year. The fiscal year of the city shall be the calendar year.

Section 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.

Section 7.04. Board of Equalization. The council shall constitute a board of equalization to equalize assessments of property for taxation purposes according to law.

Section 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 the funds of the city, except the funds made up of proceeds of bond issues, utility funds, and special assessments funds, and may include any of such funds at the discretion of the council. The city manager shall submit with the estimates such explanatory statements as he may deem necessary, and under this charter he shall interpret this section as requiring comparisons of the city's finances with the two previous budgets of this municipality.

Section 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. 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 the 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 limits for the ensuing year for each fund. The tax levy resolution shall be certified to the county auditor in accordance with the law not later than October 10. 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 no other.

Section 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 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 to 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.

Section 7.08. Alterations in 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 beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. 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 by a vote of four members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. Emergency appropriation in Budget. The council may include an emergency appropriation as a part of the budget but not to exceed 10% of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least four members of the council and shall be used only for the purposes designated by the council.

Section 7.10. Disbursements: How Made. No disbursement of city funds shall be made except by check signed by the city manager and treasurer and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it together with all outstanding encumbrances upon the fund. No such checks shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or timesheet approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The city manager shall note on each contract requiring the payment of money by the city the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the city.

Section 7.11. Funds to be Kept. There shall be maintained in the city treasury a classification of funds which shall provide for a general fund for the payment of such expenses of the city as the council may deem proper, and such other funds as may be required by statute, ordinance, or resolution. The council shall have full power by ordinance or resolution to make inter-fund loans, except from trust and agency funds, as may be deemed necessary and appropriate from time to time.

Section 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, 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 man-

ager shall submit a report to the council covering the entire financial operations of the city for the past year. Such report, or summary thereof, shall be published in the official city newspaper on or before April 10th of each year.

Section 7.13. City Indebtedness. Except as provided in section 7.14 and 7.15, 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 provided by law. Except in the case of obligations for which an election is not required by this charter or by state law, no such obligation 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.

Section 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 60% 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 the legal rate, but they shall become due and payable not later than the 1st day of April of the year following 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.

Section 7.15. Emergency Debt Certificates. If in any year the receipts from the 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 for making extra-ordinary 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 years and to bear interest at not more than the legal rate 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.

Section 7.16. Bonds Outside the Debt Limit. The council may issue bonds for legal purposes outside the debt limit as provided by law.

#### CHAPTER 8

##### Public Improvements and Special Assessments

Section 8.01. Power to Make Improvements and Levy Assessments. The City shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefitted property to pay for such local improvement may equal the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

Section 8.02. Assessments for Services. The council may provide by ordinance that the cost of any service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the city may be assessed against the property benefited and collected in like man-

ner as are special assessments.

**Section 8.03. Local Improvements Regulations.** After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereon as prescribed by the law (or charter provisions) applicable thereto. The council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinance shall supercede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least four (4) members of the council. In the absence of such ordinances all local improvements may be made and assessments levied therefor as prescribed by an applicable law.

**Section 8.04. Public Works - How Performed.** Public works, including all local improvements, may be constructed, extended, repaired and maintained either 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 pertaining to and governing public works.

#### CHAPTER 9

##### Eminent Domain

**Section 9.01. Power to acquire Property.** The city is hereby empowered to acquire by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by 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.

**Section 9.02. Proceedings in acquiring property.** The necessity for taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by legal proceedings, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter. Any condemnation proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun.

**Section 9.03. Payment of award.** Whenever an award of damages is confirmed in any proceedings for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within 60 days of such final determination pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

**Section 9.04. City May Abandon Proceedings.** The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within 30 days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof including fees of counsel.

**Section 9.05. City May Take Entire Plant.** If the city condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, and rights which comprise such system may, unless other-

wise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the city, when the plant and property are separable into distinct parts, from acquiring only such parts or part thereof as may be necessary in the public interest.

#### CHAPTER 10

##### Franchises

**Section 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.

**Section 10.02. Term.** No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon, at a general or special election.

**Section 10.03. Public Hearings.** 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 twice in the official newspaper not less than twenty days prior to the date of the hearing.

**Section 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.

**Section 10.05. Renewals or Extensions.** 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 11

##### Public Ownership and Operation of Utilities

**Section 11.01. Acquisition and Operation of Utilities.** The city may own and operate any gas, water, heat, power, light, telephone, or other public utility 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.

**Section 11.02. Rates and Finance.** Upon recommendations made by the city manager or upon its own motion, the council may fix rates, fares, and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable, before any such rates, fares, or prices are fixed by the council. 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.

**Section 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.

**Section 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.

**Section 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.

**Section 11.06. Notice of Hearings.** Notice of hearings shall be published at least twice in the official newspaper not less than twenty days prior to the date of hearing. Additional notice of such public hearing may be given in such manner as the council may determine.

#### CHAPTER 12

##### Miscellaneous and Transitory Provisions

**Section 12.01. Official Publications.** The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this matter.

**Section 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 devolving upon me as (mayor, councilman, city manager, etc.) of the city of Blaine to the best of my judgment and ability."

**Section 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.

**Section 12.04. Official Bonds.** The city manager, the city clerk, the city treasurer, and such other officer 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 either individual or blanket bonds in the discretion of the council. They shall be approved by the city council and approved as to form by the city attorney and filed with the city clerk. The provisions of the laws of the state relating to the official bond not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

**Section 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 this or other property used for the same public purpose. If there is no such outstanding indebtedness the proceeds shall be placed in the general fund.

**Section 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 and written 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.

**Section 12.07. City to Succeed to Rights and Obligations to Former Village.** The city shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the preceding village.

**Section 12.08. Statutes Not Affected by Charter.** All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Blaine operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Blaine, and shall be construed as supplementary to the provisions of this charter.

**Section 12.09. 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.

**Section 12.10. Pending Condemnations and Assessments.** Any condemnations or assessment proceedings 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.

**Section 12.11. 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.

We, the undersigned, being duly appointed, qualified, and acting members of the Charter Commission in and for the Village of Blaine, Anoka County, Minnesota hereby certify that the foregoing document, consisting of twelve chapters, is the draft of a proposed charter prepared and framed by said Charter Commission, and hereby affix our signatures to said draft in testimony of our approval thereof, and deliver the same to the Honorable Wilfred R. Swedeen, Mayor and Chief Executive Officer of the Village of Blaine for action pursuant to law.

Dated at Blaine Village, Minnesota, this 1st day of October, 1964.  
Stanley N. Thorup  
Jerome A. Trapp  
Edna Bremer  
Ray S. Johnston  
Ray M. Omann  
Wilfred R. Swedeen  
Don Knoll  
Ross D. Brown  
Robert D. Camp  
Gerald E. Schuessler  
Ray Shimek

The foregoing draft of a proposed charter and certificate in connection therewith received, this 1st day of October, 1964.

WILFRED R. SWEDEEN  
Mayor and Chief Executive  
of the Village of Blaine,  
Anoka County, Minnesota

C E R T I F I C A T E  
O F  
R A T I F I C A T I O N

I, Wilfred R. Swedeen, being the duly elected Chief Magistrate (Mayor) of the Village of Blaine, Anoka County, now City of Blaine, do hereby certify that the foregoing document consisting of Chapters 1 through 12, inclusive, is the City Charter for Blaine, Minnesota, said Charter having been submitted to the Village Council of Blaine by the Board of Freeholders (Charter Commission) on the 1st day of October, 1964, that the Charter was approved by the electorate of the Village of Blaine on November 3, 1964, by a vote of 2,989, for, 1,343, against; said election results were canvassed by the Village Council on November 5, 1964, at a Regular Meeting of said Council, all in accordance with the law.

Dated the 5th day of November, 1964.

*Wilfred R. Swedeen*

Wilfred R. Swedeen  
Chief Magistrate (Mayor)

#17175

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
RECEIVED  
NOV 21 1964

*James L. Thompson*  
Secretary of State