

#17539  
C.D.

Filed this 5<sup>th</sup> day of March  
A. D. 1965

TRANSMITTAL ORDER

*John J. Streitz*  
City Clerk

To the Honorable John J. Streitz, City Clerk of the City of  
St. Cloud:

We, the undersigned board of 15 freeholders and qualified voters of the City of St. Cloud, Minnesota, heretofore duly appointed by the judges of the district courts of the judicial districts in which the City of St. Cloud is situated, to draft a proposed charter and amendments thereto for the said City of St. Cloud, pursuant to the Constitution and laws of the State of Minnesota, do hereby respectfully return, submit and deliver to you as the Clerk of said City of St. Cloud, the foregoing proposed amendment to the charter of the City of St. Cloud adopted April 6, 1908, as subsequently amended on November 28, 1911, and on March 18, 1952,

And we do hereby respectfully propose and submit for adoption by the voters of the City of St. Cloud the foregoing proposed amendment, this 26 day of February, 1965.

<u><i>Francis K. [unclear]</i></u>	<u><i>Frank Unger</i></u>
<u><i>Bernice [unclear]</i></u>	<u><i>George Beaslock</i></u>
<u><i>Thomas H. [unclear]</i></u>	<u><i>Earl Schoukoff</i></u>
<u><i>F. [unclear]</i></u>	
<u><i>J. K. Bennett</i></u>	
<u><i>[unclear]</i></u>	
<u><i>Mrs. Verma Meigher</i></u>	
<u><i>Ronald [unclear]</i></u>	

The amended Home Rule Charter of the City of St. Cloud, Minnesota, adopted March 18, 1952, is hereby amended so that Sections 1.40, 7.60, 7.61, 8.40, 8.43, 8.62, 9.10, 9.20, and 12.20 thereof shall read as follows:

"Sec. 1.40 Wards

The area of the city as now or hereinafter established shall be divided into four wards. Each ward west of the Mississippi River shall contain not more than 30% nor less than 20% of the population of the city as disclosed by the last preceding decennial federal census, providing that that part of the city lying East of the Mississippi River shall constitute one ward. Each ward shall consist of contiguous compact territory, and whenever possible ward lines shall follow the center line of streets, avenues, alleys and boulevards. Ward lines shall not divide then-existing residences or platted blocks.

Within three months after the adoption of this amendment and within three months after the official announcement of the population of the city by census tracts after each succeeding decennial federal census, the council shall by ordinance reapportion the city into four wards in accordance with the provisions of this section. Whenever wards have been so reapportioned no further reapportionment thereof shall be made until the announcement of the population disclosed by the next federal decennial census. In the event any territory shall be annexed to the city it shall become part of the adjoining ward.

No reapportionment of wards shall disqualify a resident member of the council from completing the term of office he is serving at the time the reapportionment ordinance is adopted, nor shall any reapportionment ordinance apply to any city election for which filing for office has opened at the time such ordinance is adopted.

If the council fails to reapportion in accordance with this section within the period prescribed, the mayor and councilmen shall forfeit all remuneration until the wards of the city are reapportioned as required by this amendment; provided, that the mayor shall not forfeit compensation unless he vetoes such ordinance and the veto is not overridden.

Sec. 7.60 Rules, Board to Make

Immediately after the taking effect of this Charter and from time to time thereafter as the case may require, the civil service board shall make, amend, alter and change rules to promote efficiency in the various departments and to carry out the purposes of this article. The rules shall provide, among other things, for:

1. Classification of all offices and employments of the city.
2. Public competitive examinations to test the relative fitness of applicants.
3. Public advertisement of the holding of examinations at least ten days in advance in a newspaper of general circulation of said city and posting such advertisement for ten days on a bulletin board in the City Hall.
4. The creation and maintenance of lists of eligible candidates after successive examinations in order of their standing in the examinations and without reference to the time of examination, which lists shall be embraced in an eligible register.
5. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.
6. The rejection of candidates or eligibles who, after the entry of their names shall fail to comply with the reasonable rules and requirements of the commission in respect to age, character, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applications for employment.
7. The certification of the three names standing highest on the appropriate list to fill any vacancy; provided that if there are only one or two names on such list, the certification of such name or names.
8. Temporary employment without examination with the consent in each case of the board, in case of emergency, but no such temporary employment shall continue more than thirty days nor shall successive temporary employments be permitted for the same position.

9. Promotion based on competitive examinations and upon the records of efficiency, character, conduct and seniority.
10. Suspensions with or without pay for not longer than sixty days and for leave of absence with or without pay.
11. Removals, reduction in rank and reinstatement of employees.
12. Such other rules not inconsistent with the provisions of this article as may from time to time be found necessary to secure the purpose of this article.

A copy of all rules promulgated and adopted by the civil service board shall be kept posted in a conspicuous place in each department of the city government for the examination by all persons interested, and no rules of general application with reference to employment, promotion, disability or suspension shall be effective until so posted.

#### Sec. 7.61 Competition Suspended, When

In case of a vacancy in any office which requires peculiar or exceptional qualifications of a scientific, professional or expert character, and upon satisfactory affidavits that competition is impracticable and that the office can best be filled by the selection of some designated person of recognized attainments, the civil service board may by majority vote, with the approval of a majority of all the members of the city council, suspend competition but no such suspension shall be general in its application to such office.

#### Sec. 8. 40 Funds of the City

There shall be maintained in the city treasury the following funds for the support and maintenance of which the council shall, unless otherwise provided, appropriate and annually levy taxes in sufficient amount to accomplish their purposes:

1. Such funds as are required by statute.
2. A general fund for the payment of all general government expenses and obligations of the city as the council may deem proper and as are authorized by law. Into this fund shall be paid all monies not otherwise provided herein, or by statute or by ordinance to be paid into any other fund.
3. A permanent improvement fund to pay for local improvements properly chargeable and charged against

the city, the payment of which is not otherwise provided for. Receipts from the sale of city property not otherwise disposed of shall be deposited in this fund.

4. A public utility fund or funds into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility or enterprise and all money derived from the sale of utility or other public enterprise services and from the sale of any property acquired for or used in connection with any such utility or enterprise. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility or enterprise, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate funds or accounts shall be kept for all utilities or public service enterprises which are operated separately.
5. A development fund into which there shall be deposited annually an amount equal to twenty-five percent of all monies received from the sale of licenses, issuance of all permits and income from parking meters in the city during the said period, together with such additional amount as the council may provide by a tax levy. No expenditure from the development fund shall be made without the approval of the planning commission and no transfer from said fund shall be made except to one or more bond sinking funds of the city and then only with the approval of the planning commission. Expenditures from the development fund shall be made only for such purposes as will advance the master plan for the physical development of the city.

#### Sec. 8.43 . Contingent Fund

The Council shall each year, by resolution, appropriate a sum for contingent expenses incurred or to be incurred by the mayor and the council for the benefit of the city and its people. Said contingent fund is to be a part of the general fund and disbursements therefrom shall be made as provided for other disbursements; provided that in any year when a city general election is held the disbursements therefrom prior to the beginning of new terms of office commencing that year shall not exceed one-third of the amount appropriated for that year.

#### Sec. 8.62 . Purchases and Contracts

The mayor shall be the chief purchasing agent of the city. The purchasing agent, subject to the provisions of this charter and pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or

agency of the city government. He shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials and equipment purchased for or belonging to the city.

The approval of the council must be given in advance for purchases or contracts exceeding \$1,000.00. The council may authorize purchases or contracts without advertising and receiving competitive bids thereon for purchases or contracts not exceeding \$2,500.00. Before making purchase of or contract for supplies, materials or equipment of more than \$2,500.00, ample opportunity for competitive bidding shall be given under such rules and regulations as the council may prescribe by ordinance, provided that should the article or service required be of a noncompetitive nature the council may purchase the same without bids. The council may reject any and all bids and may re-advertise.

All contracts, bonds and other instruments of every kind to which the city shall be a party shall be executed in the name of the city and signed by the mayor and the city clerk on behalf of the city, and approved by the city mayor.

The city council may, in its discretion, and with the recommendation of the mayor, direct any work or construction or any part thereof to be done by day labor or by any department of the city government under direction of the mayor.

#### Sec. 9.10 Power to Issue, Limitations

The bonds of the City of St. Cloud may be issued as in this article provided:

In addition to all the powers in respect to borrowing, and with reference to the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter and any amendments thereto, the City of St. Cloud shall have all the powers in reference to these matters granted and authorized for cities of its class by the statutes of the State of Minnesota as now in effect and as may be hereafter amended or supplemented. The city shall have the power to issue and sell its bonds to the State of Minnesota or to private purchasers according to the laws of the State or the provisions of this charter.

No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiency in the revenues to cover current expenses. The total net debt of said city shall not exceed the net debt limit established by law for cities of its class.

The city council may issue the bonds of said city by a majority vote without submitting the issue thereof to a vote of the electors, for the purpose of paying, taking up and refunding outstanding bonds of said city and for the purpose of paying

judgments lawfully rendered against said city, as to which the time of appeal has expired.

No bonds of the City of St. Cloud shall be issued for any purpose where state law requires that the question of the issuance of such bonds shall be submitted to an election without the approval first obtained of a majority of the electors of said city voting on the question at a special election called for that purpose, or at a general municipal election in the notice of which special or general municipal election the proposed issue shall have been plainly submitted for approval or rejection.

#### Sec. 9.20 Proceeds

After the sale of said bonds according to law and the payment therefor to the treasurer of said city of the amount for which said bonds are sold, the bonds shall be executed and delivered to the purchaser thereof and the treasurer shall receive and hold the proceeds thereof as a separate fund for the purposes for which said bonds were issued.

#### Sec. 12.20 Franchise Ordinances

The council may grant franchises by ordinance adopted by a majority vote, subject to the referendum powers contained in this charter.

Said franchise ordinance shall be introduced in the council as other ordinances are introduced and the council shall follow the provisions of Sec. 2.63 hereof as to notice, hearings, and passage. Any franchise rights shall always be subject to the superior rights of the public to the use of streets and public places, and said franchise shall be without validity whatever until it has been accepted by the grantee as adopted.

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.

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."

CERTIFICATION

I, Edward L. Henry, Mayor of the City of St. Cloud, Minnesota, do hereby certify that the hereto attached document was duly prepared by a board of Fifteen Freeholders, duly appointed by the Judges of the District Court of the Districts in which said City of St. Cloud is situated, pursuant to Section 36 of Article 4 of the Constitution of the State of Minnesota and the Laws of the State of Minnesota enacted in pursuance thereof, for the purpose of submitting amendments to the Charter of said City and by said Board of Freeholders duly presented to the City Clerk of said City and by him duly presented to the City Council of said City, who thereupon duly ordered said proposed amendment to the City Charter to be submitted to the voters of said City at a special election to be held for that purpose on Tuesday, May 4, 1965.

I further certify that said election was duly held on said date and said proposed amendments to the City Charter were duly ratified by the voters of said City at said election by the following vote: 3,476 votes for the adoption of said proposed amendments to the City Charter and 2,307 votes against the adoption of said proposed amendments to the City Charter, there being a total of 5,783 votes cast in said election.

IN TESTIMONY WHEREOF, I have hereunto fixed my name as Mayor of said City and caused the seal of said City to be affixed this 20th day of May, 1965.

*Edward L. Henry*

EDWARD L. HENRY  
Mayor of the City of  
St. Cloud, Minnesota

ATTEST:

(Seal)

*John J. Streit*  
John J. Streit  
City Clerk  
City of St. Cloud, Minnesota

#17539

STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAY 26 1965

*Joseph A. Donovan*  
Secretary of State



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O.D.

STATE OF MINNESOTA  
DEPARTMENT OF STATE

**FILED**

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Secretary of State