

STATE OF MINNESOTA     )  
                              )  
COUNTY OF HENNEPIN    ) ss  
                              )  
CITY OF RICHFIELD       )

I, Edward J. Moline, being the duly qualified and acting clerk of the City of Richfield, Minnesota, do hereby certify and attest to the fact that the attached document is a true, correct and accurate copy of the city charter for the City of Richfield, Minnesota, which charter was duly adopted by the voters of the Village of Richfield at a village election held on the question of adopting such charter on the 3rd day of November, 1964, at which election 12,492 voted in favor of adopting such charter and 4,565 voted in opposition thereto.

Witness, my hand and the seal of the City of Richfield  
this 10th day of June, 1965.

*Edward J. Moline*  
Edward J. Moline, City Clerk  
City of Richfield  
Hennepin County, Minn.

(City Seal)

#17568  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
JUN 14 1965

*Joseph A. Johnson*  
Secretary of State

SEE  
OVERSIZED  
DOCUMENT(S)

17568

Sec. 12.01. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding obligations 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 obligation, the moneys may be expended to improve some other public use for the proceeds.

Sec. 12.04. Yearly of streets. The council may by ordinance vacate any street or alley or part thereof within the city. Such vacations may be made only after public notice and on application for official platting records and public to be heard, and subject to further terms and by such provisions as the council by ordinance may prescribe. A notice of completion of such provisions shall be filed in accordance with law.

Sec. 12.07. City to be bound to rights and obligations of former municipality. The city of Richfield shall remain subject with and continue to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privilege, and immunity now belonging to or pertaining to the village of Richfield, and shall be subject to all liabilities which would against said village on said date of charter. The municipal year shall have been established in the village of Richfield and continue and may be changed by the city in no more manner than the adoption of this charter. Nothing in this shall be construed as limiting in any manner the continuance or restriction in any way the exercise of new powers or extension of existing powers.

Sec. 12.08. Present officers to hold office until when. The present officers of the city shall continue in their respective offices and functions until their successors are elected and qualified, and shall continue to govern the city in the usual manner. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this charter.

Sec. 12.09. Disposition of fines and penalties. All fines, forfeitures and penalties received for the violation of any ordinance shall be paid into the city treasury. Every court or officer receiving such moneys, within thirty (30) days thereafter, shall make return thereof under oath and shall be entitled to duplicate receipts for the amount paid. One of the receipts shall be filed with the city clerk.

Sec. 12.10. Ordinance 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.

Sec. 12.02. Charter not affected by charter. All general laws and statutes of the state applicable to all cities operating under laws or charters, or applicable to cities of the same class as the city of Richfield operating under laws or charters, and not inconsistent with the provisions of this charter, shall apply to the city of Richfield, and shall be construed as supplementary to the provisions of this charter. The same section laws of 1941, Chapter 28, shall not be applicable to the City of Richfield and one of its legal effect upon adoption of this charter.

Sec. 12.10. Binding ordinance and resolution. All ordinances, resolutions and regulations of the municipality 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 municipality prior to the date when this charter takes effect shall be collected and the tax thereon collected in the same manner as if this charter had not been adopted.

Sec. 12.12. Disposition of fines and penalties. All fines, forfeitures and penalties received for the violation of any ordinance shall be paid into the city treasury. Every court or officer receiving such moneys, within thirty (30) days thereafter, shall make return thereof under oath and shall be entitled to duplicate receipts for the amount paid. One of the receipts shall be filed with the city clerk.

Sec. 12.13. Ordinance 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.

#### Charter Commission Recommendation

The following members of the Richfield Charter Commission consider that a home rule charter for Richfield is necessary and desirable and hereby authorize the chairman of the Charter Commission to submit the foregoing proposed charter for Richfield to the Village Clerk of Richfield in accordance with the provisions of MSA 47.07.

D. D. Seal  
Charles J. Little  
Donald R. Coombs  
Frank Subak  
Roy E. Peterson  
Genevieve G. Bolger  
Richard T. Everson  
James J. Trench  
John B. Halloran  
Ralph H. Gilbertsen  
Leonard Lindberg  
Cornelius W. McCoy  
Betty J. Carr  
Raymond E. Monahan  
Ward Ring  
Robert W. Mattson, Atty.

**Polls Will Be Open Tuesday, November 3rd**  
**From 7:00 a.m. to 8:00 p.m.**  
**At the Following Richfield Voting Places:**  
**PRECINCT 1: EAST SCHOOL, 66TH & 20TH AVE.**  
**PRECINCT 2: VILLAGE HALL, 6700 PORTLAND.**  
**PRECINCT 3: WOODLAKE SCHOOL, 66TH & DUPONT.**  
**PRECINCT 4: SHERIDAN SCHOOL, 64TH & SHERIDAN.**  
**PRECINCT 5: LINCOLN HILLS SCHOOL, 75TH & PENN.**  
**PRECINCT 6: CENTRAL SCHOOL, 72ND & HARRIET.**  
**PRECINCT 7: PORTLAND SCHOOL, 72ND & FOURTH AVE.**  
**PRECINCT 8: CENTENNIAL SCHOOL, 73RD & BLOOMINGTON**

#### PROPOSED RICHFIELD CITY CHARTER

Richfield will vote Nov. 8, 1964, on the city charter proposal published in its entirety in this section of The Richfield News. A majority—more than 50 per cent—of those voting must approve, if the charter is to take effect. If approved, it will become effective 30 days after the vote. The charter has been prepared and submitted to the voters by a Charter Commission authorized by Judge John Weiler after a petition was submitted Dec. 16, 1961. Commission members are: Charles J. Little, chairman, 6800 Penn.; Betty Carr, secretary, 6411 Leonard St.; James Trench, 4718 Westworth; Don Seal, 6425 Moffat; Don Coombs, 6410 Idaho; John Gilbertsen, 2011 W. Forest Dr.; Genevieve Bolger, 6411 Morgan; Roy Peterson, 6124 Russell; Frank Subak, 6121 Spring; Don McCoy, 6812 Blakely; Dick Jensen, 7122 15th Ave.; Ralph Gilbertsen, 6709 Lakewood; Leonard Lindberg, 7626 Harriet; Ray Mattson, 7034 15th Ave.; Ward Ring, 614 Russell. Their attorney has been Robert Mattson.

#### A SPECIAL SECTION OF The RICHFIELD NEWS

PUBLISHED AT RICHFIELD, MINNESOTA  
THURSDAY, OCTOBER 8, 1964

#### VILLAGE GENERAL ELECTION

NOTICE IS HEREBY GIVEN: That a village general election will be held in the Village of Richfield, County of Hennepin, State of Minnesota, on Tuesday, the 3rd day of November, 1964, between the hours of 7:00 a.m. and 8:00 p.m. to elect one councilman for a period of three (3) years,

and said village to vote for or against the following question:

**SHALL THE PROPOSED NEW CHARTER BE ADOPTED?**

(The proposed new charter is as hereafter set forth)

Dated this 8th day of October, 1964

Edward J. Moline  
Village Clerk

#### PROPOSED CITY CHARTER OF RICHFIELD

##### CHAPTER 1

Name, boundaries, powers, and general provisions

Section 1.01. Name and boundaries. The Village of Richfield, in the County of Hennepin, and State of Minnesota, here, upon the filing of this charter, continues to be a municipal corporation, under the name and style of the City of Richfield, with the same boundaries as now or hereafter may be established.

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 might lawfully confer upon themselves, as a municipal corporation, by specific authorization in this charter shall be deemed to have been so conferred by the provisions of this charter. 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 placed or printed in any case. It shall take effect thirty (30) days from and after its adoption by the voters.

##### CHAPTER 2

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 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. Records and commissions. There shall be no separate administrative board of health, finance board, park board, or any other administrative board or commission, except for

Continued on Inside Pages.







Sub. 4. **Trust and Agency Funds:** 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.

whenever the council deems it advisable: (1) One or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds; and (2) such other funds as may be required by statute or ordinance.

Sub. 6. The council may make interfund loans by resolution where permitted by law except from trust and agency funds.

modified accrual basis in accordance with generally accepted governmental accounting standards and procedures. The city manager shall submit such reports as will be necessary in order to keep the council fully informed of the financial condition of the city. Once each year on or before the 10th day of April, the city manager shall submit a complete financial report of the city for the preceding fiscal year ending December 31, a summary of which shall be published in the official newspaper. The city manager, under the direction of the council, on or before April 10 of each year, shall prepare at least one comprehensive public information report of the financial affairs of the

shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by state

**Sec. 7.15. 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

an until maturity shall not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine 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.

Sec. 7.16. Emergency debt certificates. If in any year the receipts from taxes or other sources available 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 resolution issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed two years. 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 resolution authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a majority of the council.

### Public Improvements and Special Assessments

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 for all or any part of the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.

Sec. 8.02. Assessments for services. The council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service 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. 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.

**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. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to

the laws of this state, except as otherwise provided in this charter.

Sec. 9.03. **Payment of award.** Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within seventy (70) days of such final determination, pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Sec. 9.04. City may abandon proceedings. The city may dismiss all or part of the property being acquired in a condemnation proceeding so long as the dismissal is filed with the proper court prior to the expiration of the time for an appeal or before entry of judgment if an appeal has been taken. The city shall pay all reasonable costs and expenses incurred by the condemnee including attorney's fees.

Sec. 9.05. City may take active 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 is not to be deemed to have taken the proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property comprising such system; but all of the property, lands, articles, franchises, rights, interests and appurtenances which comprise such system may, unless otherwise directed by the court, be treated together as one property and an award for the property in the condemnation proceedings 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 the parts separately or from awarding an award in part in the public interest.

## Franchisee

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 grantees 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 or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted unless the proposed grant be first submitted to the voters of the city, and be approved by a majority of those voting thereon, nor in such case for a period of more than 25 years.

Sec. 10.02. **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 (10) days prior to the date of the hearing.

Sec. 10.05. **Renewals or extensions.** Every extension, renewal, or modification of any existing franchise or of any franchise granted thereafter shall be subject to the same limitations and shall

**CHAPTER 11**  
**Public Ownership and Operation of Utilities**

fores and prices shall be just and reasonable. The council shall endeavor to make each municipal utility financially self-sustaining and shall not use

any municipal utility operation directly or indirectly as a general revenue-producing agency for the city. Before any rates, fares or prices for municipal utilities shall be fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.06. The council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations 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. Before such rates are fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.04.

Sec. 11.04. Lease of plant. The council may, if the public interests will be served thereby, con-

tract 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 ordinance, which shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) 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 and other disposition thereof, together with the price to be sold therefore, shall be embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election.

**Sec. 11.06. Notice of public hearings.** Notice of public hearings required by this Chapter shall be published at least once in the official newspaper of least ten (10) days prior to the date of the hearing. Additional notice shall be published in the

ings may be given in such manner as council may determine.

### Miscellaneous and transitional provisions

Sec. 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 manner.

Sec. 12.02. Oath of office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe as 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 Richfield to the best of my judgment and

**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, and such other officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in

such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The conditions on the 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



