

PHONE 3-4811

OFFICE OF CITY ATTORNEY

CITY OF BRECKENRIDGE

Breckenridge, Minnesota
56520

August 14, 1972

Secretary of State
State of Minnesota
Minnesota State Capitol
St. Paul, Minnesota

Re: Certification of Adoption of Amendment to the Home
Rule Charter of the City of Breckenridge Located
in Wilkin County, Minnesota

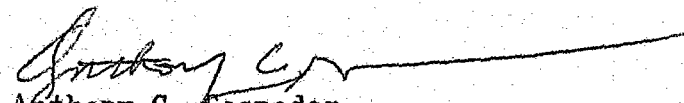
Dear Sir:

Pursuant to Sec. 410.11, 410.12 and 410.31 of the Minnesota Statutes
you will find enclosed for filing a Certification of Adoption of
Amendment to the Home Rule Charter of the City of Breckenridge,
Wilkin County, Minnesota.

Enclosed with this letter you will find a copy. Please indicate
the date of filing on the copy and return it to us in the stamped,
self addressed envelope enclosed for your convenience.

Thank you for your attention to this matter.

Very truly yours,

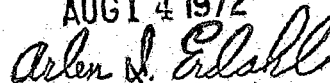

Anthony C. Gospodar
City Attorney

ACG:gg

Enc/as indicated

#24221
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 14 1972


Arlen J. Edsall
Secretary of State

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE HOME RULE CHARTER OF THE CITY OF
BRECKENRIDGE LOCATED IN WILKIN COUNTY, MINNESOTA

STATE OF MINNESOTA)
COUNTY OF WILKIN) ss.

I, M. D. Casper, City Clerk of the City of Breckenridge, Minnesota, do hereby certify that the ordinance hereto attached, which is Ordinance No. 261 entitled, AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF BRECKENRIDGE, MINNESOTA, PURSUANT TO THE PROVISIONS OF SECTION 410.31 OF THE MINNESOTA STATUTES, is a true and correct copy of an ordinance duly adopted and passed by the City Council of the City of Breckenridge, Minnesota.

I further certify that on the 11th day of April, 1972, the Charter Commission of the City of Breckenridge, Minnesota, filed in my office a certificate unanimously recommending that the charter amendments contained in said ordinance be enacted. That said ordinance was given its first reading before the City Council on April 17, 1972. On May 15, 1972, after a two weeks published notice for a hearing, which said notice contained all of the provisions of the proposed amendment, a public hearing was held before the City Council in the Council Chambers in the City of Breckenridge, Minnesota. At said hearing on May 15, 1972, the said ordinance was given its second reading and all persons present at said hearing were given an opportunity to testify. On May 19, 1972, an adjourned regular meeting of the City Council was duly held. At said meeting the following members of the council were present: Keith Zarling, Mayor; Paul Thulen, Alderman; Donald Heitmann, Alderman; Kalvin Michels, Alderman; Donald Patnoude, Alderman; Oscar Anderson, Alderman; and Gordon Martinson, Alderman. The following members of the council were absent: None. At said meeting it was moved by Oscar Anderson that said ordinance be adopted and passed. This motion was duly seconded by Donald Patnoude and upon being put to a vote, the following members of the council voted in favor thereof: Thulen, Heitmann, Michels, Patnoude, Anderson and Martinson, and the following members of the council voted against said motion: None. Thereupon the mayor duly declared said ordinance adopted and passed and ordered its publication. That said ordinance was duly published in the Daily News, the official newspaper for the city, on May 31, 1972.

I further certify that more than sixty (60) days have lapsed after the passage and publication of said ordinance and that no one has filed a petition in my office requesting a referendum on the ordinance. I further certify that said

ordinance shall take effect ninety (90) days after May 31, 1972, the date of its publication, pursuant to the provisions of Section 410.31 of the Minnesota Statutes.

WITNESS MY HAND AND THE CORPORATE SEAL OF THE CITY OF BRECKENRIDGE this
11th day of August, 1972.

M. D. Casper
M. D. CASPER, City Clerk of the City
of Breckenridge, Minnesota

#24221
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 14 1972
Arlen J. Erskell
Secretary of State

ORDINANCE NO. 261

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF BRECKENRIDGE, MINNESOTA
PURSUANT TO THE PROVISIONS OF SECTION 410.31 OF THE MINNESOTA STATUTES.

THE COUNCIL OF THE CITY OF BRECKENRIDGE, MINNESOTA DOES ORDAIN:

ARTICLE I

The following sections of the charter of the City of Breckenridge,
Minnesota are hereby amended to read as follows:

NAME AND BOUNDARIES

Section 1. The City of Breckenridge, in the County of Wilkin, in the
State of Minnesota, shall continue to be a city under the name of the City of
Breckenridge, and shall continue to be a municipal corporation. The limits
and boundaries of this city shall be as now established and shall include all
territories heretofore annexed or hereafter made part of the city.

WARD BOUNDARIES

The City of Breckenridge shall be divided into such wards or precincts
as the city council may from time to time establish by resolution.

CHANGE OF WARD BOUNDARIES

Ward and precinct boundaries may be changed at any time by resolution
of the city council. Until changed by resolution of the city council, the wards
now established and in existence at the time this amendment takes effect shall
continue.

ELECTIVE OFFICERS

Section 7. The elective officers of the city shall be a mayor and six
aldermen, all of whom hereafter shall be elected at large. All elective officers
shall be qualified electors of the city. All elective officers holding office
at the effective date of this amendment shall continue in office until the terms
for which they have been elected have expired. The aldermen shall hold their
offices for four years and the mayor shall hold his office for two years and
all elective officers shall continue in office until their successors have been
elected and qualified. The mayor and no more than three aldermen shall be
elected at each biennial city election as hereinafter provided and they shall
take office at the first annual meeting in January following their election.

NOMINATION BY FILING

Section 9. Any eligible person desirous of having his name placed upon
the official election ballot as a candidate for office to be voted on in an
election shall not less than four weeks or more than six weeks prior to such
election file an affidavit with the city clerk stating his residence, that he
is a qualified voter in said city and the name of the office for which he desires

to be a candidate; and upon the payment of a fee of \$5.00 to the city clerk, that officer shall accept such affidavit and place the name of such candidate upon the official election ballot without any political party designation. There shall be no primary election, but the filing of such affidavits shall be prerequisite to having the name of the candidate placed on the official ballot for the city election.

COMPENSATION OF OFFICERS

Section 12. The council shall fix the compensation of all officers elected or appointed under the charter and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except that the council may by resolution adopted by a majority vote of all of the aldermen authorize additional compensation for the officers other than the mayor or aldermen when, in their judgment, such increase is warranted. The compensation of the mayor and aldermen may only be increased by ordinance and any such ordinance increasing the compensation of the mayor and aldermen shall not take effect until after the next succeeding municipal election. The compensation of the mayor and aldermen may be paid in any number of installments as the council may determine.

VACANCIES IN OFFICE

Section 13. Whenever a vacancy occurs in any of the elective or appointive offices specifically provided for in this charter, such vacancies shall be filled for the unexpired term of such official by resolution of the council, and any vacancies occurring in any appointive office provided for in the administrative code may be filled in the manner provided for in the administrative code. All appointive officers, except the city clerk-treasurer and the city attorney, who may only be removed for cause, may be removed at any time at the pleasure of the council and any police officer may be removed at any time by action brought before the Police Civil Service Commission. In addition, the council shall have power by resolution to declare that a vacancy exists in any elective office by reason of the failure of such official without good cause to perform any of the duties of such office; provided that such resolution shall set forth the reasons for declaring a vacancy to exist in any elective office and fix a time, place and hour when the council will meet for public hearing thereon and that such resolution shall be mailed to such officer at his last known address and published at least once in the official newspaper of the city not less than ten days prior to the date of such hearing or posted for ten days in a public place if there is no legal newspaper. The action of the council in declaring such vacancy or removing such official, following the mailing, publication, or posting of the resolution and the hearing, shall be final.

THE MAYOR

Section 14. The mayor shall be recognized as the official head of the city for all ceremonial purposes, and by the governor for military purposes. He shall be the chief executive officer of the city and shall have command and control of its police force. The members of such police force shall be nominated and appointed in the manner provided by the regulations of the Police Civil Service Commission. It shall be his duty to see that the laws of the state, the provisions of this charter and the ordinances of the city are duly observed and enforced within the city, and that all other officers of the city

discharge their respective duties and to that end may institute and maintain on behalf of the city any appropriate action or proceeding against any delinquent officer. Any member of the council may question the mayor concerning any matter pertaining to the city and the mayor shall thereupon respond to such question and give all of the information available to him pertaining to the matter which is the subject of the inquiry.

APPOINTIVE OFFICERS

Section 16. During the month of February immediately following each biennial election as hereinbefore provided, the council by resolution adopted by a majority vote of all of the members of the council, shall appoint a city clerk-treasurer and a city attorney for a term of two years, commencing on the first day of March in each even numbered year. The council also may, if it deems it necessary, appoint assistant city attorneys and assistant city clerk-treasurers who shall perform the duties of the city clerk-treasurer and the city attorney during their absence or disability.

POWERS AND DUTIES OF APPOINTIVE OFFICERS

Section 17. The city clerk-treasurer shall have the power to administer oaths and affirmations, take acknowledgements and certify instruments in all cases in which the same are required or sanctioned by law, and the clerk-treasurer shall keep the corporate seal of the city and all papers and records thereof except as otherwise provided in this charter or by the administrative code, and attend all meetings of the council in person or by his assistant and keep the records of all proceedings thereof. In addition to other duties as provided in this charter, the city clerk-treasurer and the city attorney shall perform all duties imposed by law upon their respective offices and all other duties consistent with their respective offices as the council may direct by ordinance or resolution. No person shall be eligible for the office of city attorney who has not been admitted to practice before the Supreme Court of the State of Minnesota for at least two years prior to his appointment unless no other qualified applicant is available; provided that the council shall have the right and power to employ special counsel for special matters or actions of law in which the city is interested without regard to the qualifications of such special counsel.

COUNCIL MEETINGS

Section 19. The council shall consist of the mayor and six aldermen. The mayor shall preside over its meetings but he shall have no vote except in the case of a tie when he shall have the power to cast the deciding vote unless as otherwise provided for in this charter. In the case of emergency ordinances he shall have no power of veto. The annual meeting of the council shall be held on the first Monday after the first Tuesday in January of each year. Regular meetings of the council shall be held at such times as may be prescribed by ordinance except that there shall not be less than one regular council meeting each month and the time and manner for calling special meetings shall be prescribed by ordinance. A majority of the aldermen shall be a quorum to do business, but a lesser number may adjourn from time to time. All legislative action imposing a penalty shall be by ordinance except as otherwise provided by the laws of the state or this charter. The council

shall keep a journal of its proceedings which shall be a public record and every final vote upon the passage of all ordinances and resolutions shall be by yeas and nays and entered in the journal. No ordinance shall be passed without the concurrence of a majority of the council and all meetings of the council shall be public.

ORDINANCES

Section 20. The enacting clause of all ordinances shall be "The Council of the City of Breckenridge, Minnesota, does ordain:". Every ordinance except emergency ordinances shall be presented in writing and shall be fully and distinctly read at two council meetings and at least one week shall elapse between the first and final readings thereof. Every ordinance shall be published once in the official newspaper of the city, or, in the event that at any time there is no legal newspaper in the city, shall be posted in three public places in the city. All ordinances, except emergency ordinances, shall take effect immediately after their publication or posting unless the ordinance contains a provision stating that it shall take effect at a later time.

EMERGENCY ORDINANCES

Section 21. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in the preamble thereto, and no emergency ordinance shall be passed without the concurrence of a majority of all of the aldermen. An emergency ordinance may be read and adopted at one meeting of the council. An emergency ordinance shall take effect immediately upon its passage. No grant of any franchise shall be construed to be an emergency.

REFERENDUM

The first paragraph, only, of Section 23, is amended to read as follows. All other paragraphs of this Section shall remain the same:

Section 23. The people of the City of Breckenridge reserve to themselves the power, in accordance with the provisions of this charter, to require ordinances or any part thereof, other than emergency ordinances, passed by the council to be referred to the voters for their approval or disapproval through referendum. If, within fifteen days after the passage and approval of an ordinance by the city council, a petition signed by qualified voters equal a number to fifteen per cent of the total vote cast in the city for all candidates for governor at the last preceding general state election is filed with the city clerk requesting that any such ordinance or part thereof be repealed, the effect of such ordinance shall be suspended and it shall be laid over pending further proceedings as hereinafter provided.

ORGANIZATION OF COMMISSION

Section 27. The commission shall organize by electing one of its members president and another secretary, and such secretary shall keep a record of the meetings of such commission or cause a record to be kept by an employee of the commission. The commission may employ a superintendent, an engineer,

clerk and bookkeeper, and such other necessary help as will enable it to perform its duties under this charter, and may discharge such employees at will, provided, however, that the Public Utilities Department and all other departments of the city shall make every effort to use equipment, machinery, tools and facilities and personnel in common whenever it is advantageous to the city to do so, considering the entire operations of the city. The terms and conditions of such common use shall be worked out by agreements between the city council and the Public Utilities Commission. The city attorney shall act as attorney for the commission. The commission may require a suitable bond from any employee and shall require such bond from all persons who act as collectors. Such bond premium shall be paid for by the Public Utilities Department Fund. The commission shall prescribe the duties of all employees and fix their compensation.

TRANSFER OF FUNDS

Section 30. No orders shall be issued upon the city treasurer exceeding in amount the tax collected or assessed or in the process of collection and moneys on hand not otherwise appropriated; provided, however, that the council shall have the power, if by resolution it deems it expedient, to issue time warrants for the purpose of replenishing any fund of the city, but the aggregate amount of such time warrants shall at no time exceed one per cent of the assessed valuation of all property in the city. No money shall be transferred from one fund to another except by resolution.

INITIATION OF PROCEEDINGS

Section 34. Local improvements may be made and special assessments levied against property benefited thereby in the manner provided by ordinance or the city may proceed to make improvements and levy special assessments under any law of the State of Minnesota applicable to the city.

HOW GRANTED

Section 36. No franchise shall be granted except by ordinance adopted by a majority vote of all of the aldermen and every ordinance by which the council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted. No exclusive franchise shall ever be granted; no franchise shall be granted for a term exceeding twenty years; and no ordinance granting a franchise for a period of more than two years shall be effective until it shall be submitted at an election and approved by a majority of the voters on the question.

LONG TERM CONTRACTS

Section 37. The words "long-term contract" shall be construed to mean and be limited to contracts for the purchase by the city or any of its departments of any materials or supplies including contracts for the purchase of electricity, gas or other source of energy which runs more than two years. No such long-term contract shall be entered into until the same shall have been approved by resolution adopted by a majority vote of all of the aldermen

and, except in cases of contracts whereby the city council reserves the unconditional right to cancel and terminate such contracts at any time after the expiration of such two-year period or in cases of contracts for the purchase of electricity, gas or other source of energy, until such resolution approving the contract shall have been submitted at an election and approved by a majority of the voters voting on the question. In the case of contracts for the purchase of electricity, gas or other source of energy, no such contract shall be entered into except on recommendation of a majority of the members of the Public Utilities Commission to the council and then approved by resolution adopted by a majority vote of all of the aldermen.

DEFINITION AND LIMITATIONS

Section 38. All contracts for the sale or purchase of supplies, materials, equipment or the rental thereof or the construction, alteration, repair or maintenance of real or personal property shall be made and entered into pursuant to the Uniform Municipal Contracting Law and amendments thereto now in force in the State of Minnesota or any other general law of the State of Minnesota hereinafter enacted. In the absence of any general law of the State of Minnesota or specific charter provision governing the matter, contracts may be made and entered into in such manner as the council may direct.

ESTIMATES AND AMOUNT OF CONTRACT

Section 39. The council in the first instance shall on its own motion, or may, on the recommendation or report of any department, commission or officer of the city, determine in a general way the commodities, work or service to be done or furnished, and shall fix the estimated cost thereof, and in order to so determine the cost may require estimates from any officer or employee of the city or from such other source as may be expedient. The council may, at its discretion, direct that the commodities, work or service be procured by or through the proper department or office of the city in accordance with the procedures established by law, charter provisions or applicable ordinances.

ADVERTISING

Section 41. The council shall direct the clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications or otherwise as may be directed by the city council. Such advertisement shall be published in the columns of the official newspaper of the city and in such other papers and at such other times in such a manner as the council may direct. All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the council in the council chambers upon a certain day and hour or the council may direct that all such bids be received and opened in the presence of the city clerk and city engineer or the city clerk and some other city official or member of the council prior to a council meeting upon a certain day and hour. All bidders and members of the public may be present when bids are opened.

RECEIVING AND OPENING BIDS

Section 43. At the time and place mentioned for the call for bids, all bids shall be opened and read. Before any bids are opened, they shall be numbered consecutively and no further bids shall be received after any bid has been opened. All persons who desire the same shall have an opportunity to inspect all bids after they are opened. No bid shall be considered when not accompanied by the security required by the advertisement for bids.

BOND

Section 45. The council shall require a bond from any contractor in cases where a bond is required by Minnesota law and in any other case it may require the contractor to furnish a bond for the faithful performance of such contract.

ARTICLE II

That the charter of the City of Breckenridge, Minnesota be amended by adding the following provisions:

POWERS OF COMMISSION

Section 28. (8) The Public Utilities Commission shall cause to be kept complete records of its operations in accordance with generally acceptable accounting practices and shall, at the end of each calendar year, determine the net amount of its funds remaining on hand after payment of all bills and charges and after payment of all bonded indebtedness and interest paid during such year and after setting aside reasonable reserves for depreciation and obsolescence. The net amount of its funds remaining on hand as calculated above shall then be disposed of as follows: fifteen per cent (15%) of said net amount shall be placed in a separate fund to be used by the Public Utilities Commission for the expansion and extension of its facilities and eighty-five per cent (85%) of the said net amount shall, at the request of the city council, be transferred to the general fund or any other fund of the city provided, however, that in case it deems it necessary, the city council may transfer to any fund of the city any funds of the Public Utilities Commission, either temporarily or permanently, including reserves for depreciation, obsolescence and the expansion and extension of its facilities. However, such transfers shall not result in reducing the funds of the Public Utilities Commission below the sum of \$100,000.00 without the consent of the Public Utilities Commission.

ADVERTISING AND PROMOTION

Section 52. The city council may annually levy a tax of not to exceed one mill on all taxable property within the City of Breckenridge and expend the money raised thereby for the purpose of advertising and promoting the city and its resources and advantages.

ARTICLE III

Subject to the provisions of Section 410.31 of the Minnesota Statutes, this ordinance shall become effective ninety days after its passage and publication.

s/Keith Zarling
KEITH ZARLING, Mayor

ATTEST:

s/M. D. Casper
M. D. CASPER, City Clerk-Treasurer

First Reading April 17, 1972

Second Reading May 15, 1972

Public Hearing May 15, 1972

Adopted and Passed May 19, 1972

Published May 31, 1972

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Arden J. Edsall
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