



# MANKATO

202 EAST JACKSON STREET - PHONE 507-387-3161  
MANKATO, MINNESOTA 56001

January 31, 1973

Secretary of State  
Room 180 State Office Building  
St. Paul  
Minnesota

Dear Sir:

Enclosed for filing is a certificate of election concerning ratification of a revised charter for the City of Mankato, Minnesota.

Will you please return the extra copy of the certification with filing data? *Ret'd*

Thank you.

Sincerely,

Frances Rosevold  
City Clerk  
Mankato, Minnesota

#24909  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

FEB - 5 1973

*Arlen J. Edsall*  
Secretary of State

24910

CERTIFICATE

I, Vernard E. Lundin, Mayor and Chief Magistrate of the City of Mankato, Blue Earth County, Minnesota, hereby certify that the foregoing hereto attached proposed charter amendment to the Charter of the City of Mankato, Minnesota, was submitted to the vote of the people of the City of Mankato, Blue Earth County, Minnesota at the General Election held on the 7th day of November, 1972.

That the voters of said City of Mankato, Minnesota, duly ratified and accepted said proposed charter amendment by the affirmative vote of more than 51% of the qualified voters casting their ballot on said question.

That the following is the official tabulation of votes cast on said Charter amendment at said General Election:

6,531 Yes, in favor of said Charter  
2,944 No, against said Charter

That before said proposed charter amendment was submitted to the vote of the people as above said, it was published once each week for two successive weeks in the Mankato Free Press, a legal newspaper of general circulation published in said City of Mankato, Blue Earth County, Minnesota.

Dated this 4th day of December, 1972

*Vernard E. Lundin*

Vernard E. Lundin, Mayor  
City of Mankato, Blue Earth County,  
Minnesota

(SEAL)

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

FEB - 5 1973

*Arden J. Edsall*  
Secretary of State

Ord. 25, Nov. 1, 1972  
REVISED CITY CHARTER AS PROPOSED  
BY THE CHARTER COMMISSION TO THE  
CITY COUNCIL OF THE CITY OF MANKATO.

CHAPTER I  
NAME, BOUNDARIES, POWERS  
AND GENERAL PROVISIONS

Section 1.01. Name and boundary. The City of Mankato, in the County of Blue Earth, and State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of Mankato, with the boundaries and wards as now 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 Mankato might lawfully confer upon themselves, as a municipal corporation having "Home Rule Charter", 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.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

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.

Section 1.04. Wards Subd. 1. The City shall be divided into five (5) wards, to be known simply as the First Ward, Second Ward, Third Ward, Fourth Ward, and Fifth Ward.

Subd. 2. Each ward shall be composed of compact, contiguous territory and shall contain as nearly as practicable an equal population.

Subd. 3. By May 1st of each even-numbered year following a state or federal census the council shall either affirm the ward boundaries then in existence, or alter them, as the population of the several wards would reasonably require.

CHAPTER II  
FORM OF GOVERNMENT

Section 2.01. Form of Government: The form of government established by this charter shall be known as the "Council-Manager Plan". All discretionary powers of the city, both legislative and executive, shall be exercised by and vest in the city council, subject to the initiative, referendum, and recall powers of the people. It shall have complete control over the city administration, but shall exercise this control exclusively through the city manager and shall not itself attempt to perform any administrative work.

Section 2.02 Council, Subd. 1. The Council shall be composed of a Mayor and six council members who shall be qualified electors. The mayor and one council member shall be elected at large and the other five shall be elected one each from the five wards. The member at large shall act as the presiding officer at any council meeting not presided over by the Mayor, and serve as president of the council. Council members must live within the ward represented when elected, and must continue to reside therein during their term unless the boundaries are changed by reapportionment.

AFFIDAVIT OF PUBLICATION

State of Minnesota, }  
County of Blue Earth }

JARED HOW, being first duly sworn, deposes and says: That he has full knowledge of the facts herein stated; that he is now, and during all the times herein stated has been, the President of the Free Press Company, a corporation, organized and existing under the laws of the State of Minnesota, and that said Free Press Company now is, and during all the times herein stated has been the owner, publisher and printer of the newspaper known as The Mankato Free Press.

1. That said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches;

2. That said newspaper is a daily and is distributed at least five days each week, except for weeks which include a legal holiday.

3. That said newspaper has 25% of its news columns if published more often than weekly, devoted to news of local interest to the community which it purports to serve; may contain news, comment and miscellany; and does not wholly duplicate any other publication; and is not made up entirely of patents, plate matter and advertisements;

4. That said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears, and has entry as second-class matter in its local post office;

5. That said newspaper has its known office of issue established in the County of Blue Earth in which lies, in whole or in part, the City of Mankato which the newspaper purports to serve;

6. That said newspaper files a copy of each issue immediately with the Historical Society;

7. That said newspaper has complied with all the foregoing conditions for at least two years prior to the day or dates of publication mentioned below;

8. That said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1st thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher or managing officer and sworn to before a Notary Public stating that the newspaper is a legal newspaper.

That the printed notice hereto attached as a part hereof was cut from the columns of said newspaper; was published therein in the English language once each week for 2 successive weeks; that it was first so published on the 25 day of October, 1972, and thereafter on Wednesday of each week to and including the 1 day of November, 1972; and that the following is a copy of the lower case alphabet which is acknowledged as the size and kind of type used in the printed publication of said MANKATO FREE PRESS.

abcdefghijklmnopqrstuvwxyz  
*Jared How*  
As President of said Free Press Company, a corporation

Subscribed and sworn to before me this 2 day of November, 1972

*A. Louise Waage*  
A. LOUISE WAAGE

Notary Public, Blue Earth County, Minn.  
My Commission Expires May 11, 1977

**Subd. 2. The terms of the council members in office on January 10, 1973, from Wards 1, 3 and 5 shall expire on the first Monday in January, 1975; the terms of the at large council member and the council members from Wards 2 and 4 in office on January 10, 1973, shall expire on the first Monday in January, 1977. Thereafter, every council member shall serve for a term of four years and until his successor is elected and qualified. Upon any reapportionment enacted due to changes in population in the city, all terms affected by such reapportionment shall terminate on the first Monday in January of the year following the reapportionment. Terms of election following a reapportionment shall be arranged in such a manner that the council members from each Ward will continue to have the approximate terms provided herein, staggered so that three council members (including the at large council member for one such election) will be elected at each future election not affected by reapportionment. The mayor in office on January 10, 1973 shall serve until the first Monday in January, 1975. Thereafter, the mayor shall serve for a term of four years and until his successor is elected and qualified.**

**Subd. 3. The Mayor shall be recognized as head of the City government for all ceremonial purposes but shall have no administrative duties.**

**Section 2.03. Transfer of Books.** Every elective and appointive officer, shall at the expiration of his term of office, in whatsoever way terminated, turn over to his successor in office, or to some other properly authorized officer, on demand, all the books, papers, files, records, moneys and other property and things whatsoever pertaining to his office or received by reason thereof.

**Section 2.04. Compensation, Expenses.** The council may determine changes in the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election provided that such election follows the adoption of such ordinance by at least six months. The Mayor and the Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The city manager and all subordinate officers and employees of the city shall receive such salaries or rates as may be fixed by the council.

**Section 2.05. General Powers and Duties.** All powers of the City shall be vested in the council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

**Section 2.06. Prohibitions.**

**Subd. (1) Holding Other Office.** Except where authorized by law, no council member shall hold any other city office or employment during the term for which he was elected to the council, and no former council member shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he was elected to the council.

**Subd. (2) Appointments and Removals.** Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager of any of his subordinates are empowered to appoint, but the council may express its views and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

**Subd. (3) Interference with Administration.** Except for the purpose of inquiries and investigations under Section 2.10, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2.07. Vacancies; Forfeiture of Office; Filling of Vacancies.** A vacancy in the council shall be deemed to exist in the case of the failure of any person elected hereto 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, removal from the ward from which elected, continuous absence from the City for more than three months, or by reason of the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three 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 the next regular municipal election, when the office shall be filled for the unexpired term; provided that any vacancy resulting from a recall election or from a resignation following the filing of a recall petition and any vacancy in the office of Mayor shall be filled in the manner provided in such case.

**Section 2.08. Judge of Qualifications.** The council shall be judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

**Section 2.09. City Clerk.** The council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him by this charter or by the council.

**Section 2.10. Investigation of City Affairs.** The council and any officer or officers formally authorized by it 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 may at any time provide for an examination or audit of the account of any officer or department of the city government, and shall provide for the payment of an accountant's service to perform such examination or audit.

**Section 2.11. Independent Audit.** The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest in the fiscal affairs of the city government or any of its officers. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

**Section 2.12. Procedure.**

**Subd. (1) Meetings.** The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or of three or more members. Written notice shall be served upon each member upon no less than 12 hours notice by delivering a copy to the member personally or by leaving a copy at the member's usual place of residence with some person of suitable age and discretion then residing therein. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the charter or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda.

**Subd. (2) Rules and Journal.** The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

**Subd. (3) Voting.** Voting, except on procedural motions, shall be by roll call and the yeas and nays shall be recorded in the journal. Four members of the council shall constitute a quorum. No action of the council, except as provided in Section 2.07, shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

**Section 2.13. Action Requiring an Ordinance.** In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes, except as otherwise provided in Chapter VI with respect to the property tax levied by adoption of the budget;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for its services by a public utility;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the city;

(8) Adopt with or without amendment ordinances proposed under the initiative power; and

(9) Amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter V with respect to repeal or ordinances reconsidered under the referendum power. Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

**Section 2.14. Ordinance in General.**

**Subd. (1) Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Mankato hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underlining or by italics.

**Subd. (2) Procedure.** An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall make available a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. After the hearing the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the clerk shall have it published again together with a notice of its adoption.

**Subd. (3) Effective Date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

**Subd. (4) "Publish" Defined.** As used in this section, the term "publish" means to print in the official newspaper of the city: (1) the ordinance and/or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

**Subd. (5) Official Paper.** The council shall annually provide by resolution for the publication of all matters required by this charter to be published, and to that end shall annually designate the official paper in which all such publication shall be made.

**Section 2.15. Emergency Ordinances.** To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 6.09. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to Section 6.09, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Section 2.16. Codes of Technical Regulations.** The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of Section 2.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to subsection 2.17 Subd. 1.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

**Section 2.17. Authentication and Recording; Codification; Printing.**

**Subd. (1)** The city clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council.

**Subd. (2)** The Council shall provide for the general codification of all city ordinances having the force and effect of law. The general codification shall be published in looseleaf form, together with this charter and any amendments thereto, and such pertinent provisions of the Constitution and other laws of the state of Minnesota, codes of technical regulations and other rules and regulations, or council resolutions as the council may specify. This compilation shall be known and cited officially as the Mankato City Code. Copies of the Code shall be furnished to city officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price.

**Subd. (3)** After publication of the Code, all ordinances and charter amendments shall be printed in substantially the same style as the Code currently in effect. At least once each year, the City Clerk shall incorporate with the body of the text of the Mankato City Code the amendments made to any of the ordinances contained therein.

Within the preceding year, and omit any sections or ordinances expressly repealed. Such additions and deletions shall be printed in the same form as the Mankato City Code, in such a manner that they may be inserted in the existing Code. All chapters and sections of the Mankato City Code shall retain the numbers and titles given them in the Mankato City Code until changed by the city council.

**Section 2.18. Ordinances Left in Force.** Nothing herein shall be understood or construed as repealing, amending, or modifying any city ordinance, resolution, rule or order, which may be in force in the City of Mankato at the time this Charter goes into effect and becomes operative, except so far as the same may be incompatible with any of the provisions of this Charter, but the same shall continue in full force until repealed, amended, or modified by the council herein before provided for.

**Section 2.19. Official Bonds.** The Mayor and each Council member before entering upon the duties of their respective office, shall each give bonds to the City, in the sum of five thousand dollars, with a legally authorized surety company as surety, conditioned for the faithful performance of their respective duties. Such bonds shall be approved by the Judge of the District Court of said Blue Earth County. The council shall fix the amount of the bonds to be required of appointive officers and the methods of their approval. The approval of said bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds when approved shall be filed with the city clerk, except the bonds of the city attorney, which shall be filed with the city attorney. The provisions of the laws of the state, relating to official bonds, not inconsistent with this charter, shall be compiled with. The premium on all said bonds shall be paid by the City of Mankato.

**Section 2.20. Personal Financial Interest.** All city officers or employees shall be subject to the provisions of Minnesota Statutes pertaining to conflicts of interest, including Sections 471.87 and 471.88, in regard to any personal financial interests in sales, leases, or contracts of the city.

**Section 2.21. Ordinance to Make Charter Effective.** The council is hereby empowered to and it shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this charter.

### CHAPTER III CITY MANAGER

**Section 3.01. Appointment; Qualifications; Compensation.** The council shall appoint a city manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the council.

**Section 3.02. Removal.** The council may remove the manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the council in suspending or removing the manager shall not be subject to review by any court or agency.

**Section 3.03. Acting City Manager.** By letter filed with the city clerk the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

**Section 3.04. Powers and Duties of the City Manager.** The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(1) He shall appoint, and, except as herein provided, remove all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(3) He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget and capital program to the council.

(6) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(7) He shall make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the council fully advised as to the financial condition and needs of the city and make such recommendations to the council concerning the affairs of the city as he deems desirable.

(9) He shall be recognized by the Governor for the purposes of military law, and be in charge of emergency operations, unless prohibited by statute.

(10) He shall perform such other duties as are specified in the charter or may be required by the council.

### CHAPTER IV ADMINISTRATIVE DEPARTMENTS

**Section 4.01. 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 shall, in conjunction with the city manager, prepare a complete administrative code for the city and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

**Section 4.02. Subordinate Officers.** There shall be such city officers subordinate to the city manager as the council may create by ordinance. All employees shall be subject to an Employee Relationship Policy which shall be adopted annually by the council.

**Section 4.03. Restrictions.** Elected and appointed or employed persons in a position of authority to exercise discretion in the selection and appointment of city employees, shall not hire, reward or promote persons bearing the relationship of husband, wife, parent, child, brother, or sister, nor engage in other forms of special favoritism.

**Section 4.04. Civil Service Commissions.** The present and existing civil service commissions for the police department and for the fire department, as established and organized under and by virtue of the laws of the State of Minnesota, shall continue, be and remain so established and organized.

**Section 4.05. Boards and Commissions.** The council shall have power by ordinance to create, and to appoint the members of, such advisory boards and commissions as required by statute and as may be deemed necessary to advise and assist the council and the administrative officers of the city. The city manager may be designated by the council as an ex officio member of any such board and commission, except the civil service commission.

### CHAPTER V INITIATIVE, REFERENDUM, AND RECALL OF ELECTIVE OFFICERS

**Section 5.01. Recall Method Prescribed.** The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent in the following manner:

(1) Committee to institute action. Any five electors who are constituents of the officer of the city whose recall is proposed may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred words and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

(2) Recall petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. 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 shall be in substantially the following form:

**RECALL PETITION**  
proposing the recall of \_\_\_\_\_  
from his office as \_\_\_\_\_  
which recall is  
sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

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

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose:

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

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

The petition must be signed by electors equal in number to at least five per centum of the total number of registered voters in the constituency of the elected officer whose recall is petitioned in the City of Mankato.

(3) Filing of petition. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next ten days, and shall attach to said petition his certificate, showing the result of said examination. If, by the city clerk's certificate, the petition is shown to be insufficient, the city clerk shall so notify one or more members of the committee, and said petition may be amended within ten days from the date of such notification. The city clerk, shall, within ten days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition is deemed sufficient, the city clerk shall submit the same to the council without delay, and thereupon the council shall order the same filed. If the officer sought to be removed does not resign within five days after the filing of said petition,

the council shall fix a date for holding said election not less than thirty-five nor more than forty-five days from the date of the city clerk's certificate that a sufficient petition is filed; provided that if any other municipal election is to occur within sixty days from said date the council shall provide for the holding of the recall election at that time.

**Section 5.02. Cause of Recall in the call for the election there shall be given the statement of the grounds for the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred words, the officer may justify his course in office.**

**Section 5.03. Candidates. Elections.** The city clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as hereinafter provided, returns be made, and the result thereof declared, in all respects as in other city elections. Only registered voters in the constituency of the elected officer whose recall is petitioned shall be permitted to vote. Unless the officer whose removal is sought shall have resigned, the form of the ballot at such election shall be as near as may be as follows: "Shall A be recalled?", the name of the officer whose recall is sought being inserted in the place of A, and the electors shall be permitted to vote separately "yes" or "no" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled". But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from office, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned, the form of ballot at the election shall be same, as nearly as may be, as the form in use at a regular municipal election.

**Section 5.04. Recall. Time Limit.** No recall petition shall be filed against any officer until he has actually held his office at least three months.

**Section 5.05. Direct Legislation, Subd. 1 Initiation of measures.** Any five electors may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof 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 measure to each of the signature

papers herein described, together with their names and addresses as sponsors therefor.

**Subd. (2) Form, conditions, verification, certification and filing of petition.** The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. The provisions of Section 5.01 hereof respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

**Subd. (3) Five per cent petition.** If the petition be signed by electors equal in number to five per centum of the entire number of registered voters in the City of Mankato, and contains a request that such measure be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said measure without alteration within twenty days after attachment of the city clerk's certificate of sufficiency to the petition; or

(b) Within twenty-five days after such certification, proceed to call a special election to be held within 60 days after certification, at which said ordinance without alteration shall be submitted to a vote of the people; unless a regular municipal election is to occur within sixty days after such certification, in which case it shall be submitted at such election; or

(c) In case the council passes the proposed measure with amendments and at least four fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

**Subd. (4) Publication of popular ordinance.** Whenever any ordinance is to be submitted to the voters of the city at any election, the council shall either cause the ordinance to be printed and mailed by the city clerk with a sample ballot to each voter, or at least three days prior to the election, or order such ordinance to be printed in the official newspaper and published in like manner as ordinances adopted by the council.

**Subd. (5) Election.** The ballots used in voting upon such proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

**Subd. (6) Several ordinances at one election.** Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section.

**Subd. (7) Repeal of popular ordinance.** The council may submit a proposition for the repeal of any such ordinance, or for amendment thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. Initiated ordinances adopted by the electors shall be published, and may be amended or repealed by the council, as in the case of other ordinances.

**Section 5.06. Referendum, Subd. 1.** No ordinance passed by the council shall go into effect before ten days from the time of its publication, except when otherwise required by the general laws of the state, or by the provisions of this charter respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency, and is passed by a five-sevenths vote of the council; provided that no grant of any franchise shall be construed to be an urgency measure, but franchises shall be subject to the referendum vote herein provided. If during said ten days a petition signed by qualified electors of the city equal in number to at least five per centum of the entire number of registered voters in the city, protesting against the passage of such ordinance be presented to the council, the same shall thereupon be suspended from going into operation. It shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance as provided in Section 5.05 of this charter, to a vote of the electors of the city, either at the next general municipal election or at a special election called for that purpose. Such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section 5.01 and 5.05 respecting the formation of committees to institute action and initiate measures, and respecting forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

**Subd. (2).** Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided ordinances or measures submitted on petition.

#### CHAPTER VI FINANCIAL PROCEDURES

**Section 6.01. Fiscal Year.** The fiscal year of the city shall begin on the first day of January and end on the last day of December of each year. *Comment: National Model Charter Section 5.01.*

**Section 6.02. Submission of Budget and Budget Message.** On or before the first council meeting in September of each year, the manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

**Section 6.03. Budget Message.** The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the manager deems desirable.

**Section 6.04. Budget.** The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures including debt service, for the ensuing fiscal year; and shall be so arranged as to show figures for budgeted income and expenditures of the current fiscal year and actual and budgeted income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income plus surplus.

#### Section 6.05. Capital Program.

**Subd. (1) Submission to Council.** The manager shall prepare and submit to the council a four year capital program at least three months prior to the final date for submission of the budget.

**Subd. (2) Contents.** The capital program shall include:

(a) A clear general summary of its contents;

(b) A list of all capital improvements which are proposed to be undertaken during the four fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

(c) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

**Subd. (3)** The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### Section 6.06. Council Action on Budget.

**Subd. (1) Notice and Hearing.** The council shall publish in one or more newspapers of general circulation in the city the general summary of the budget and a notice stating:

(a) The times and places where copies of the message and budget are available for inspection by the public; and

(b) The time and place, not less than one week after such publication, for a public hearing on the budget.

**Subd. (2) Amendment Before Adoption.** After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

**Subd. (3) Adoption.** The council shall adopt the budget on or before the 10th day of the 10th month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed obligated for the ensuing fiscal year as to the total amount, the council having the power to change departmental totals only. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

#### Section 6.07. Council Action on Capital Program.

**Subd. (1) Notice and Hearing.** The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:

(a) The times and places where copies of the capital program are available for inspection by the public; and

(b) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

**Subd. (2) Adoption.** The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the 1st day of the ninth month of the current fiscal year.

**Section 6.08. Public Records.** Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

#### Section 6.09. Amendments After Adoption.

**Subd. (1) Supplemental Appropriations.** If during the fiscal year the manager certifies that there are available revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

**Subd. (2) Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.15. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency debt certificates which may be renewed from time to time, but the emergency debt certificates and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

**Subd. (3) Reduction of Appropriations.** If at any time during the fiscal year it appears probably to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the def-

cit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

**Subd. (4) Transfer of Appropriations.** At any time during the fiscal year the manager may transfer part of all of any unencumbered appropriation balance among programs within a department, office or agency and upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

**Subd. (5) Limitations; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**Section 6.10. Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

#### Section 6.11. Administration of Budget.

**Subd. (1) Work Programs and Allotments.** At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 6.09.

**Subd. (2) Payments and Obligations Prohibited.** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager of his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligations when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the city for any amount so paid. However, except where prohibited by law, the council may make contracts by resolution extending into the future beyond the period of annual appropriations when such funds are to be financed wholly or partly by the issuance of bonds. The council may also make a contract or lease for payments beyond the end of the fiscal year, not financed through bonds, when such action is made or approved by ordinance.

**Section 6.12. Contracts.** The council shall adopt an ordinance specifying procedures for purchasing and letting of contracts in accordance with state law.

**Section 6.13. Collusion with Bidder.** Any officer of the city or of any department thereof who shall aid or assist any bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the material or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

**Section 6.14. Collusion By Bidder.** If, at any time, it is found that the person to whom a contract has been awarded has, in presenting any bid or bids colluded with any other party or parties for the purpose of preventing any other competing bids being made, or has entered into an agreement by which he made a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders, then the contract so awarded shall be null and void, and the council shall advertise for new bids for said work, or provide for such work to be done by the proper department or officer.

**Section 6.15. Power to Borrow Money or incur Debt.** Except as provided in Section 6.09 (b), 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 prescribed by law. The approval of the majority of the electors of the city voting on the question of a general or special election shall be required for all such obligations issued and sold in excess of a sum equal to 1/4 of 1% of the assessed valuation of the city in any calendar year, except in the case of obligations for which an election is not required by this charter or by state law, and except for obligations issued for a project required pursuant to a court order, or a valid order of a state or federal agency.

**Section 6.16. Levy and Collection of Taxes.** On or before the tenth of October each year, the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

**Section 6.17. 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 in accord with it. He shall submit to the Council a statement each month showing the amount spent or chargeable against each of the annual budget allowances and such other information as the council may require. At least quarterly, he shall submit a statement showing the amount of money in the custody of the City Treasurer, and the status of all funds. The Council shall each month print in the official paper a summary of the monthly report, and each quarter such summary shall include the financial information required on the above quarterly reports. Once each year, on or before the last day of March, the city manager shall submit a report to the council covering

the entire financial operations of the city for the past year. This report shall show the actual total receipts and actual total disbursements, omitting duplications, and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due; the amount of new bonds issued and the amount redeemed; the interest rate of each; the condition of all the annual budget allowances, and an inventory of all the property owned by the city; and such further information as the council and other city officials and the taxpayers should have.

**Section 6.18. Debt Not to be Increased or Credit Loaned.** The debt of the city shall not be increased, nor shall any new bonds of the city be issued except as provided herein, nor shall the city loan its credit, become a stockholder or make contribution or donations to any person, company or corporation, except as herein provided.

**Section 6.19. Provisions to be Made to Pay Bonds.** The council is authorized to provide by taxation, for the prompt payment of interest upon indebtedness, and for meeting bonds of the city at maturity whether heretofore or hereafter issued.

**Section 6.20. Property Subject to Taxation.** All property in the city of Mankato, taxable under the laws of the state shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed as provided for by law, and this charter.

**Section 6.21. Funds.** There shall be maintained in the city treasury the following funds:

(1) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.

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

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

(4) Special assessment funds for the financing of improvements or services to be paid wholly or partly from assessments levied against benefited property. Into such funds shall be paid all moneys received from special assessments for local improvements and from the sale of bonds issued for the city's share of the cost of any local improvement. Any other contribution by the city to the cost of any local improvements, shall be transferred from the general fund to these funds. The council may order the issuance and sale of bonds representing the aggregate sum of special assessments made payable in installments, and the city's share of the making of any local improvement. There shall be paid out of these funds such amounts as may become due on account of the making of any public improvement in the city the cost of which has been specially assessed in full or in part. Bonds issued as specified in this sub-section shall be redeemed from this fund. A separate special assessment fund shall be created for each assessment project.

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

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

(6) Working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds.

(7) 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.

(8) Such other funds as may be required by statute or ordinance.

In lieu of establishing any of the three foregoing types of funds, the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established.

Provided, that nothing contained herein shall prevent the council from borrowing from the general fund to aid and help any other fund except the special assessment funds, and the trust and agency fund, at such time as in its judgment public necessities, require, but the council shall have no power to borrow from any fund except the general fund.

Where, prior to the time this charter goes into effect, an assessment has been levied to cover the cost of a local improvement, which improvement has not at said time been paid for, the proceeds of such assessment shall be paid into the special assessment fund, and the cost of said improvement shall be paid out of said fund.

From the general fund the council may in every year by resolution appropriate a sum not to exceed five hundred dollars for contingent expenses incurred or to be incurred by the mayor in the detection and prevention of crime in the city.

#### CHAPTER VII ELECTIONS

**Section 7.01. General Elections.** The general city election shall be held on the first Tuesday after the first Monday of November in the even-numbered years.

**Comment:** Adopted from existing Charter Section 17.

**Section 7.02. Special Elections.** Whenever necessary, the council may be resolution, adopted by the affirmative vote of a majority of its members, order a special election of the voters of the city for any purpose, and appoint judges of election without party lists being filed and designate polling places, and provide all necessary arrangements for holding the same.

**Section 7.03. Notice of Election.** The city clerk, at least fifteen days before the holding of any general election and twenty days before the holding of any special election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting in the city hall a notice containing the list of officers to be elected, or the substances of the matter to be submitted at such election. Said notice will also be published in the official newspaper appointed by the city at least fifteen days before the holding of any general election, and twenty days before the holding of any special election. Failure of the clerk to give such notice shall not invalidate an election.

**Section 7.04. Candidates at Primary Election.** Candidates to be voted for at all general elections in the city, including the mayor and council members shall be nominated by a primary election, and no other names shall be placed upon the general ballot than those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the first Tuesday after the second Monday of the month of September preceding the month of November in which the general election is to be held. The judges appointed for the general municipal election shall be the judges of the primary election, and it shall be held at the same places, so far as possible and the polls shall be opened and closed at the same hours, with the same clerks as are required for the general municipal election.

Any person desiring to become a candidate for mayor or council member shall, at least 56 days and no more than 70 days prior to said primary election, file with the city clerk a statement of such candidacy in substantially the following form:

STATE OF MINNESOTA  
County of Blue Earth

I, \_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_ Street, City of Mankato, County of Blue Earth, State of Minnesota; that I am a qualified voter therein; that I am a candidate for nomination to the office (Name of Office) to be voted upon at the primary election to be held on the \_\_\_\_\_ day, \_\_\_\_\_, 19\_\_\_\_, and I hereby request that my name be printed upon the official primary ballot for the nomination by such primary election of said office.

Signed \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Official Title \_\_\_\_\_

A filing fee of \$20.00 shall be required of candidates at any election held under this charter.

Immediately upon the expiration of the time for filing the statement of candidates, the city clerk shall cause to be published in the official newspaper of the city, in proper form, the names of the persons as they are to appear upon the primary ballot and the city clerk shall thereupon cause the primary ballot to be printed, authenticated with the facsimile of his signature.

**Section 7.05. Primary Ballot.** Upon said primary ballot the names of the candidates for mayor, if any, shall be printed on the ballot with appropriate instructions to vote for one. Following these names shall appear the names of the candidates for the council member-at-large, if any, with appropriate instructions to vote for one, followed by the names of the candidates for council members in the individual wards, with appropriate instructions in each ward to vote for one. The ballot shall be printed upon plain substantial red paper and shall be headed "Candidates for the nominations of City Officers of the City of Mankato at the primary election" but shall have no party designation or mark whatever.

**Section 7.06. Rotation of Names on Ballots.** On all election ballots the names of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office. The City Clerk shall prepare instructions to the printer for rotating, laying and tabbing the ballots, which instructions shall first be approved by the City Attorney before delivery to the printer.

**Section 7.07. Rotation of Names on Machines.** Where election machines are used, the provisions of Section 7.06 requiring the alternation of the names of candidates shall be observed so far as practicable by changing the order of the names on the voting machines in various precincts so that each name shall appear upon the several machines used in the city substantially an equal number of times at the top, at the bottom, and in each intermediate place, of any of the list or group in which they belong; provided, however, that the arrangement of the names shall be the same on each voting machine used in the same precinct.

**Section 7.08. Judges of Election.** The council shall at least 90 days before each general municipal election appoint qualified voters of each precinct therein to be judges of election. The judges so appointed shall also be judges of the primary election.

**Section 7.09. Vacancy in Nomination.** A vacancy in a nomination exists when, after the primary election, any candidate who is nominated to office dies, withdraws or for any other reason ceases to be the nominated candidate for that office, or when, on the last day of filing or after the closing of filing for an office for which one or two candidates filed, any such candidate dies or withdraws. When a vacancy in a nomination occurs, a nomination to fill the vacancy may be made in the following manner: (1) The person receiving the next highest number of votes for the office at the primary election shall be the candidate for the office. (2) If there is no person who may be nominated under paragraph (1) and a vacancy exists by reason of this fact, the vacancy may be filled by the city clerk placing upon the ballot the name or names of candidates as are nominated by nominating petition in the manner provided by state statute, following the provisions for county offices. A voter eligible to vote for the office is eligible to sign a petition choosing a nominee to fill the vacancy.

**Section 7.10. Ballot Count.** The judges of each election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the candidates and make return thereof to the city clerk, upon blanks furnished by said clerk, as required by the laws of this state in such case made and provided.

**Section 7.11. Canvass, Primary Election.** On the day following the said primary election the council shall canvass the returns received from all the precincts and publish in the official newspaper of the city the results thereof. Said canvass shall be publicly made.

**Section 7.12. Candidates in General Election.** The two candidates receiving the highest number of votes for mayor, (if any), or the council member-at-large, (if any) shall be the candidates and the only candidates for the respective offices whose names shall be placed upon the ballot at the next succeeding general election. In each ward in which an election is held, the two candidates receiving the highest number of votes shall be the candidates and the only candidates for the respective offices whose names shall be placed on the ballot at the next succeeding general election. The ballot at the general municipal election shall be in the same general form as the primary election ballot so far as applicable.

**Section 7.13. Write-in Candidates.** Except in primary elections spaces shall be provided for any office equal in number to the number to be voted for wherein the voter may write the name of the person for whom he may wish to vote.

**Section 7.14. Canvass, General Election.** The council shall meet and canvass the election returns within three days after any general or special election and then and there declare the results. The city clerk shall forthwith notify all officers elected of the fact of their election.

**Section 7.15. Tie Vote.** When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council at such time, place, and in such manner as it may direct.

**Section 7.16. Elections Regulations.** The provisions of the state law relating to the registration of voters, the qualifications of electors, preparing the ballots, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections so far as they may be applicable shall govern all such elections.

#### CHAPTER VIII ASSESSMENT PROCEDURES

**Section 8.01. Assessment Authority.** The City shall have power to make all improvements authorized by state statute, and may defray part or all of the costs of such improvements by special assessments. Except as provided in this chapter, the procedures set forth in the state statutes shall be followed.

**Section 8.02. Improvements Applications.** All applications or propositions for any improvement authorized by state statute shall be made to or emanate from the council. Upon its own motion the council may, or upon written petition of the owners of more than fifty per cent of the property frontages abutting an any proposed improvement the council shall cause plans and specifications or surveys for such improvement to be made and filed in the office of the city manager and shall, when such plans and specifications or surveys are so filed, give notice of the time when and the place where the council will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, the last publication being at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby.

The council shall also give at least ten days notice to the same effect to all property owners having an interest or their agents residing in the city, if known to said council. Such notices shall be made by depositing in the Post Office a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, at least ten days prior to the making of an assessment upon which card or letter shall be either written or printed substantially the notice above specified.

**Section 8.03. Assessments Against Railways.** When in any case any proportion of the cost of making any improvement shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company, the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the city may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the general laws of this state in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as in indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement shall be assessed as in other cases.

**Section 8.04. Assessment Validity Ratified by Installment Payment.** Any person making an election to pay in installments as provided by state statute, his heirs, personal representatives or grantees, of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment for the amount thereof.

**Section 8.05. Power To Purchase Property or Assignment of Liens.** In order to protect the lien of the city on special assessments, the council shall whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on same against which the city has a lien for special assessment, and may sell and assign any such lien held by said city, and otherwise take action as will protect the interest of the city.

**Section 8.06. Property Owners' Public Improvement Rights.** Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense in such cases and upon such terms and regulations as the council may prescribe by resolution, or as are required by this Charter.

#### CHAPTER IX PLANNING

**Section 9.01. Planning Director.** There shall be a planning department headed by a director who shall be appointed by the manager as provided in Section 4.01. The planning director shall have the following responsibilities:

(1) To advise the city manager on any matter affecting the physical development of the city.

(2) To formulate and recommend to the city manager a comprehensive plan and modifications thereof.

(3) To review and make recommendations regarding proposed council action implementing the comprehensive plan pursuant to Section 9.04.

(4) To participate in the preparation and revision of the capital program provided for in Section 6.05.

(5) To advise the city planning commission in the exercise of its responsibilities and in connection therewith to provide necessary staff assistance, and

(6) To adhere to sound ecological principles in all city planning.

**Section 9.02. City Planning Commission.** There shall be a city planning commission consisting of 6 members appointed by the council for terms of 3 years. The terms shall be staggered, one-third of the members leaving office each year. In addition, the council shall appoint one of its own members to such commission as a voting member. However, no other city officer shall be a member of this commission. The members of such commission shall serve without compensation. The commission may make recommendations to the city manager and the city council on all matters affecting the physical and ecological development of the city, shall be consulted on the comprehensive plan and the implementation thereof as provided in sections 9.03 and 9.04, and shall exercise all other responsibilities as may be provided by law.

**Section 9.03. Comprehensive Plan.**

**Subd. (1) Content.** The council shall adopt, and may from time to time modify a comprehensive plan setting forth in graphic and textual form policies to govern the future physical and ecological development of the city. Such plan shall cover the entire city and all its functions.

**Subd. (2) Adoption.** Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall refer such proposal to the city planning commission, which shall within a time specified by the council report its recommendations thereon. After receipt of the recommendations of the planning commission, the council shall hold a public hearing on the proposed comprehensive plan or modifications thereof and shall thereafter adopt it by resolution with or without amendment.

**Subd. (3) Effect.** The comprehensive plan shall serve as a guide to all future council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

**Section 9.04. Implementation of the Comprehensive Plan.**

**Subd. (1) Land Use and Development Regulations.** The council may by ordinance adopt land use and development regulations, including but not limited to an official map and zoning and subdivision regulations.

**Subd. (2) Urban Renewal.** The council may by ordinance provide for redevelopment, rehabilitation, conservation, and renewal programs for: (a) The alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration, and (b) the achievement of the most appropriate use of land.

**Subd. (3) Council Action.** Before acting on any proposed ordinance concerning land use and development regulations, urban renewal or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive plan, the council shall refer the proposal to the city planning commission. The commission shall within a time specified by the council and prior to the public hearing on the proposed ordinance report its recommendations thereon. Upon adoption of any such ordinance, the council shall make findings and report on the relationship between the ordinance and the comprehensive plan. In the event that the ordinance does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such findings and report.

#### CHAPTER X

##### MISCELLANEOUS PROVISIONS

**Section 10.01. Eminent Domain.** The necessity for the taking of any property shall be determined by resolution of the council, which resolution shall in a general way describe the property so needed, and order its condemnation.

**Comment: Existing Section 76.**

**Section 10.02. Franchises.** Subd. 1. Without denial or disparagement of other powers held under the Constitution and the Laws of the State of Minnesota, the City of Mankato shall have the right and power to grant franchises to occupy or use the streets, highways, alleys, or public grounds within the city.

**Subd. 2.** Every such franchise shall be granted by an ordinance which shall contain the terms and conditions of the franchise to be granted. The following features must be incorporated in every franchise ordinance:

(a) The franchise shall not be exclusive.

(b) The term of the franchise, which shall not exceed twenty-five years from the date of passage.

(c) The city shall have the power by ordinance to exercise fair and reasonable regulation of rates to be charged by the grantee to the city and the public for its services.

(d) The grantee shall indemnify and save the city whole and harmless from any and all claims for injury or damage to person or property occasioned by or arising out of the conduct of the grantee's business in the City of Mankato.

(e) The franchise shall be terminated or forfeited for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any franchise, the same as though in each instance such power was expressly reserved.

**Subd. 3.** No ordinance granting a franchise and no ordinance regulating the grantee's rights or operations under a franchise shall be put upon its final passage until thirty days after its introduction.

**Section 10.03. Municipal Utilities.** Subd. 1. The city shall have power to acquire, as provided by state law, any gas, water, heat, light, telephone, or other plant or other public utility. 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



matter provided by law. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

**Subd. 2.** Upon recommendations made by the city manager or upon its own motion, the council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations. It shall be the duty of the council to see that rates are adequate to provide funds to properly operate and maintain and to pay interest and indebtedness which may be incurred for capital expenditures for the improvement, acquisition, extension and repair of such public utilities.

**Subd. 3.** Upon a majority vote of the people, 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.

**Subd. 4.** The council shall make a reasonable charge, based on the cost of service for lighting the streets and public buildings or for supplying heat, power, or any other utility, and a reasonable hydrant rental and other charges for supplying the city with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water, and other services, shall be collected in the same manner as from other consumers, unless the council provided some other plan.

**Subd. 5.** 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. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service and as to council control laid down for the holders of franchises in Chapter X of this charter.

**Subd. 6.** No public utility owned by the city whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in any ordinance passed by the council in the usual way and submitted to the electors at a general or special election and approved by a majority vote of the electors voting thereon.

**Section 10.04. Vacation of Streets and Alleys.** **Subd. 1.** The council with the assistance of the city planning commission shall have exclusive power to vacate or discontinue public streets, alleys, or highways or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the council except upon the verified petition in writing of one or more of the owners of real property on that portion of such street, alley or highway proposed to be vacated. Such petition shall state the reason for such vacation and briefly describe the street, alley, or highway, or portion thereof, desired to be vacated. The council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the city clerk who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has been filed

with the city clerk and its object in brief, and that such petition will be heard and considered by the council at a time and place specified therein, which time and place shall be fixed by the council at the time of the acceptance of such petition and the time of hearing such petition shall be at least ten days after the last publication of said notice.

**Subd. 2.** The council at the time and place appointed shall investigate and consider the subject involved in said petition and may view the premises and shall hear testimony offered for or against said petition.

**Subd. 3.** The council after hearing such petition may by resolution passed by a majority vote of its members grant the petition and order and declare such street, alley, or highway vacated and discontinued.

**Subd. 4.** Upon the passage of such resolution and the approval thereof by the mayor as in other cases, and upon the same being countersigned by the city clerk, it shall be published once in the official paper of the city.

**Subd. 5.** A copy of such resolution duly certified to by the city clerk to be a true copy shall immediately after such publication be filed with the Register of Deeds of the County of Blue Earth and duly recorded in his office.

**Section 10.05. City Attorney.** The city attorney shall prosecute, in behalf of the city, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, and proceedings in which the city may be legally interested, provided, that the council shall have control of all litigations of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

**Section 10.06. Police Officers' Powers.** The Chief of Police and all regular or temporary police officers shall possess the powers of constables at common law and under the statutes of this State, and in addition thereto shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the County Court, shall have authority to pursue and arrest in any part of the State beyond the limits of the city any person charged with any violation of any law, ordinance of the city, or any offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant is authorized by the general laws of the State or this charter, and the violation of any city ordinance shall be deemed a public offense.

**Section 10.07. Public Access to Records.** All records, books, and papers pertaining to the business of the City, or any department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

**Section 10.08. Platted Property.** The council shall have the sole power to accept and approve all plats of property within the city and to prescribe the width and location of streets and alleys required in such plats. The council shall have the power to require the owners of unplatted property to make such improvements as it deems proper before a plat thereof shall be accepted and approved by it.

**Section 10.09. Sales of Real Property.** No real property of the city shall be disposed of except by ordinance; but, if the assessed valuation of said property does not exceed the sum of one thousand dollars, then by resolution.

**Section 10.10. Recovery of Judgment for Damages.** If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening or defect in any street or alley or public ground caused or occasioned by the negligent act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment, from the person or corporation so responsible for such obstruction, excavation, opening or defect.

**Section 10.11. County Court.** In all prosecutions and proceedings of every kind before the County Court of this City, such Court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinance in such court.

**Section 10.12. Saving Clause.** If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this charter.

**Section 10.13. Oath of Office.** Every person elected or appointed to any office shall, before entering upon the duties of the office, take and subscribe to an oath of office, and file the same with the city clerk, except the oath of the city clerk, which shall be filed in the office of the city treasurer. Said oath shall be 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, or council member or city manager, etc.) of this city to the best of my judgment and ability."

**Section 10.14. City to Administer Oaths.** The city clerk shall have the power to administer oaths and affirmations and to take and certify acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law. The city manager shall administer the oath of office to the city clerk.

**Section 10.15. Regular Pay Days for City Employees.** It shall be the duty of the city manager to establish regular pay days for the city employees, and it shall be the duty of the disbursing officer to meet those pay days.

**Section 10.16. Succession.** When this charter takes effect the City of Mankato shall be and become the legal successor of the City of Mankato under its former charter and shall be vested with all franchises, rights and immunities formerly vested in said city, except as hereinbefore otherwise provided.

All property and property rights and interest of every kind and nature formerly vested in the City of Mankato or in any board of public office of the same shall when this charter takes effect, be and become vested in and be possessed by the City of Mankato, under this charter, and all previously existing indebtedness, obligations and liabilities of the City of Mankato or any board or department thereof, shall together with all interest accrued or to accrue thereon be assumed and paid by the City of Mankato.

Frances Rosevald  
City Clerk  
City of Mankato, Minn.

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