

The  
**Proposed Charter**

of the

**City of Columbia Heights**

*Adopted June, 9<sup>th</sup> 1921*

*2649*

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### PREAMBLE

We, the people of the Village of Columbia Heights, in order to become a self-governing city under the municipal home rule provisions of the constitution and statutes of Minnesota, do adopt and establish this charter of the City of Columbia Heights.

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**CHAPTER 1**

**NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS.**

**Section 1. Name.** The Village of Columbia Heights, in the County of Anoka, and State of Minnesota, shall become, upon the taking effect of this charter, a city under the name and style of the City of Columbia Heights, and shall continue to be a municipal corporation, with the same boundaries as are now established.

**Section 2. Powers of the City.** The City of Columbia Heights, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by the Village of Columbia Heights prior to the adoption of this charter; also all powers, functions, rights, and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the state of Minnesota; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants.

**Section 3. Construction of this Charter.** The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

**Section 4. Powers, How Exercised.** All powers of the City of Columbia Heights, unless otherwise provided by this charter, shall be exercised by the City Council or under its direction, subject to the initiative, referendum, and recall powers of the people.

**Section 5. Charter a Public Act.** This charter of the City of Columbia Heights 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 of the Village of Columbia Heights, and shall go fully into operation on the first Monday after the first Tuesday in July, A. D., 1921.

**CHAPTER 2**

**FORM OF GOVERNMENT.**

**Section 6. Form of Government.** The form of government established by this charter shall be known as the "Council-Manager Plan."

**Section 7. Elective Officers.** The council shall be composed of a mayor and four councilmen who shall be qualified electors, and who shall be elected

at large in the manner hereinafter provided. The four councilmen shall serve for a term of four years and until their successors are elected and qualified, except that at the first election held after the adoption of this charter the two candidates having the highest number of votes shall serve for four years, and the two candidates having the next highest number of votes shall serve for two years. The mayor shall serve for a term of two years and until his successor is elected and qualified. The council shall be judge of the election of the mayor and councilmen.

**Section 8. Incompatible Offices.** No member of the council shall hold any paid municipal office or employment under the City of Columbia Heights, and until one year after the expiration of his term as councilman no former member shall be appointed to any paid office or employment under the city which office or employment was created or the emoluments of which were increased during his term as councilman.

**Section 9. Vacancies in the Council.** A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of 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 shall be filled in the manner provided in such case.

**Section 10. The Mayor.** The mayor shall be the presiding officer of the council, except that a president pro tempore shall be chosen who shall serve as president in the mayor's absence. The mayor shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the laws of the state. He shall have the appointment, control and direction of all police officers of the city. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except that in the case of a recall, the vacancy shall be filled in the manner provided by this charter.

**Section 11. The City Manager.** The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. The city manager shall be appointed for an indefinite period, and he shall be removable by the council at any time. If removed at any time after one year of service he may demand written charges and a public hearing on the same before the council prior to the date on which his final removal shall take effect, but during such hearing the council may suspend him from office. During the absence or disability of the city manager the duties of his office shall be performed by some properly qualified person designated by the council.

**Section 12. Oath of Office.** Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this state, and to discharge faithfully

the duties devolving upon me as.....of this city to the best of my judgment and ability."

**Section 13. Salaries.** The members of the council shall serve without compensation, except that when meeting as a board of equalization the members shall receive not to exceed one dollar per hour. The city manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by resolution of the council.

**Section 14. City Officers not to Accept Favors or Contracts.** No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from, or by reason of, any improvement, alteration or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. No officer shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, personally, or as a member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

**Section 15. Official Bonds.** The city manager, the city clerk, and such other officers of the city as may be provided for by ordinance, shall each before entering upon the duties of their respective offices, give bond to the city in such sum as may be fixed by the council as an additional security for the faithful performance of their respective official duties and the safe-keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the secretary of the council. The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with. The first city manager under this charter shall give bond in the sum of five thousand dollars, but the council may increase this requirement at any time.

### CHAPTER 3

#### COUNCIL AND LEGISLATION.

**Section 16. Council Meetings.** On the first Monday after the first Tuesday in July following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume the duties of such membership. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor, or any two members of the council, or the city manager, may call special meetings of the council upon at least twelve (12) hours' notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

**Section 17. Rules of Procedure and Quorum.** The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less number may adjourn from time to time. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

**Section 18. Ordinances, Resolutions, and Motions.** Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds five hundred dollars, or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, salaries may be fixed, and the powers described in Chapter Eight may be exercised by resolution. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. A majority vote of all the members elected to the council shall be required for the passage of all ordinances, resolutions, and motions, except as otherwise provided in this charter.

**Section 19. Procedure on Ordinances.** The enacting clause of all ordinances passed by the council shall be in the words, "The City of Columbia Heights does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least three days shall elapse between the first and second readings thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the secretary of the council at least one week, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this charter, before its final passage except in the case of emergency ordinances or resolutions.

**Section 20. Emergency Ordinances and Resolutions.** An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least four members of the council, as recorded by ayes and noes. An emergency ordinance or resolution may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

**Section 21. Procedure on Resolutions.** Every resolution shall be presented in writing, and read in full at a council meeting before a vote is taken thereon, except that the reading of a resolution may be dispensed with by unanimous consent.

**Section 22. Signing and Publication of Ordinances and Resolutions.** Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, and shall be filed with the secretary of the council within two days and by him recorded and preserved. Every ordinance and resolution shall be published at least once in the official paper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested by the secretary of the council; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council.

**Section 23. When Ordinances and Resolutions Take Effect.** Emergency ordinances and resolutions, and ordinances and resolutions making the annual

tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances and resolutions enacted by the council shall take effect thirty days after the date of their passage, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances and resolutions adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then thirty days after the adoption thereof.

**Section 24. Amendment and Repeal of Ordinances and Resolutions.** No ordinance or resolution or section thereof shall be amended or repealed by reference to its title alone, but such amending or repealing ordinance or resolution shall contain verbatim the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment and the original ordinance, resolution, section or sections thereof so amended shall be repealed.

**Section 25. Secretary of Council.** The council shall choose a secretary and such other officers and employees as may be necessary to serve at its meetings. The secretary shall be known as the secretary of the council, and shall keep such records and perform such other duties as may be required by this charter or by vote of the council. The council may designate any official or employee of the city, except the city manager or a member of the council, to act as secretary of the council.

**Section 26. Investigations of City Affairs.** The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

**Section 27. Interferences with Administration.** Neither the council nor any of its committees or members shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service, but this shall not be construed to prohibit the council from passing ordinances for establishing the merit system. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

## CHAPTER 4

### NOMINATIONS AND ELECTIONS.

**Section 28. The Regular Municipal Election.** A regular municipal election shall be held on the second Monday in June in the year 1921 and biennially thereafter at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least five of the most public places in the city, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but failure to give such notice shall not invalidate such election. At the regular election there shall be elected, in addition to the municipal officers, two justices of the peace until such time as a municipal court shall be established in the city.

**Section 29. Special Elections.** The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

**Section 30. Judges and Clerks of Election.** The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election.

**Section 31. Nominations by Petition.** The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk. Such petition shall be signed by a number of electors equivalent to at least five per cent of the total number of votes cast at the last regular municipal election. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the city clerk at least 10 days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

**Section 32. Nomination Petitions.** The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

#### NOMINATION PETITION.

We, the undersigned electors of the City of Columbia Heights, hereby nominate ..... whose residence is....., for the office of councilman, to be voted for at the election to be held on the..... day of ....., 19.....; and we individually certify that we are qualified electors and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name ..... Street and Number .....

....., being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing.....signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

Signed.....  
Subscribed and sworn to before me this.....day of....., 19.....  
This petition, if found insufficient by the city clerk, shall be returned to ....., at No.....street.

**Section 33. Canvass of Elections.** The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and

clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

**Section 34. Procedure at Elections.** The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the General Laws of Minnesota.

## CHAPTER 5

### INITIATIVE, REFERENDUM AND RECALL.

**Section 35. Powers Reserved by the People.** The people of Columbia Heights reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

**Section 36. Expenditures by Petitioners.** No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring an expense not to exceed ten dollars for legal advice, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

**Section 37. Further Regulations.** The council shall as soon as possible after the organization of the city government under this charter provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

### INITIATIVE.

**Section 38. 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.

**Section 39. Form of Petition and of Signature Papers.** The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least twenty per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

### INITIATIVE PETITION.

proposing an ordinance (or resolution, as the case may be) to.....  
(stating the purpose of the measure), a copy of which ordinance (or reso-

lution) is hereto attached. This measure is sponsored by the following committee of electors:

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

The undersigned electors, understanding the terms and the nature of the measure hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

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

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

**Section 40. Filing of Petitions and Action Thereon.** All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days after the filing of the petition the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto, and whether this number is at least twenty per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the clerk shall file the same in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the measure to the electors at the next regular or any special election, at its option.

**Section 41. Action of Council on Petition.** Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next election occurring not less than three months after the date of the final action by the council, and if no election is to be held within three months from such date, then the council shall call a special election to be held not less than thirty nor more than forty-five days from such date. 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.

**Section 42. Initiative Ballots.** The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "For the measure" or "Against the meas-

ure." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

**Section 43. Initiation of Charter Amendments.** Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

#### REFERENDUM.

**Section 44. The Referendum.** If prior to the date when an ordinance or resolution takes effect a petition signed by qualified electors of the city equal in number to twenty per cent of the total vote at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the measure as passed. In the latter case the council shall immediately order a special municipal election to be held thereon within not less than thirty nor more than forty-five days from the action of the council calling it. If a majority of the voters voting thereon are opposed to the measure, it shall not become effective; but if a majority of the voters voting thereon favor the measure, it shall go into effect immediately or on the date therein specified.

**Section 45. Referendum Petitions.** The requirements laid down in sections 39 and 40 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall begin as follows:

#### REFERENDUM PETITION.

proposing the repeal of an ordinance (or resolution, as the case may be) to ..... (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by, etc.

**Section 46. Referendum Ballots.** The ballots used in any referendum election shall conform to the rules laid down in section 43 of this charter for initiative ballots.

#### RECALL.

**Section 47. The Recall.** Any five electors 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 and fifty 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.

**Section 48. 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 paper 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.

**Section 49. 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 five days, and if he finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of electors who cast their votes at the last preceding regular municipal election, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

**Section 50. Recall Election.** If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

**Section 51. Procedure at Recall Election.** In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

**Section 52. Form of Recall Ballot.** Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council

of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?", the name of the officer whose recall is sought being inserted in 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 balance of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

**CHAPTER 6**

**ADMINISTRATION OF CITY AFFAIRS.**

**Section 53. Powers and Duties of the City Manager.** Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by the council, the city manager shall control and direct the administration of the city's affairs, except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor. His powers and duties as city manager shall be

(a) To see that this charter and the laws, ordinances, and resolutions of the city are enforced;

(b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;

(c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;

(d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude him from meetings at which his removal is considered;

(e) To recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

(f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;

(g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time to suggest amendments to the same; and

(h) To perform such other duties as may be prescribed by this charter or required of him by ordinances or resolutions adopted by the council.

**Section 54. 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 the powers and organization of the same. It shall, in conjunction with the city manager, prepare a complete administrative code for the city and enact the same in the form of an ordinance, which may be amended from time to time by ordinance.

**Section 55. Subordinate Officers.** There shall be a city clerk and such other officers subordinate to the city manager as the council may create by

ordinance passed by a four-fifths vote. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as shall be ordained by the council. The city clerk may be designated to act as secretary of the council, and he shall act as city treasurer until the council by ordinance otherwise provide. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

**Section 56. Purchases and Contracts.** The city manager shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made, and all contracts let by the city manager subject to the approval of the council, whenever the amount of such purchase or contract exceeds \$500.00. All contracts, bonds and instruments of every kind to which the city shall be a party shall be signed by the mayor on behalf of the city as well as by the city manager, and shall be executed in the name of the city.

**Section 57. Contracts, How Let.** In all cases of work to be done by contract, or of the purchase of property of any kind, where the amount involved is more than five hundred dollars, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only by the council upon the recommendation of the city manager, and shall be let to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by four-fifths vote for the doing of work with patented processes, or from the purchasing of patented appliances. Further regulations for the making of bids and the letting of contracts shall be made by ordinance.

## CHAPTER 7

### TAXATION AND FINANCE.

**Section 58. Council to Control Finances.** The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

**Section 59. Fiscal Year.** The fiscal year of the city shall end each year on the 31st day of December.

**Section 60. Assessment for Taxation.** Except as herein otherwise provided, the general laws of the state relating to taxation shall apply in this city. The council shall regulate by ordinance the method of making assessments and shall require fair valuations to be made.

**Section 61. Board of Equalization.** The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings on the last Monday in June to equalize the assessments according to law.

**Section 62. Preparation of the Annual Budget.** The city manager shall prepare the estimates for the annual budget. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) Ordinary expenses (for operation, maintenance, and repairs); and (2) Capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) Salaries, with a list of all salaried offices and positions, with

the salary allowance and the number of persons holding each; (b) Wages; (c) Printing, advertising, telephone, telegraph, express charges, and other like items; (d) Supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: Sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligation. Such estimates shall be in typewriting, and there shall be at least ten copies, one for each member of the council, one for the city manager, one for the city clerk, and three at least to be posted in public places in the city. The estimates shall be submitted to the council at its regular monthly meeting in August, and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the village of Columbia Heights as may be feasible and pertinent.

**Section 63. Passage of the Budget.** The budget shall be the principal item of business at the regular monthly meeting of the council in August, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the city manager shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in section 63. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the 1st day in October.

**Section 64. Enforcement of the Budget.** It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any warrant upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding warrants. No officer or employee of the city shall place any orders or make any purchases except for the purposes and amounts authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

**Section 65. Alterations in the Budget.** After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that

event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated after the beginning of the fiscal year for the several purposes named therein and no other. The council may at any time, by a resolution passed by a four-fifths vote, reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

**Section 66. Levy and Collection of Taxes.** On or before the 1st 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, subject to the limitations of this charter. The city clerk shall transmit to the county auditor annually, not later than the 10th of October, a statement of all the 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. The twenty-five mill tax limit prescribed in Section 1735, General Statutes of 1913 shall not apply to this city.

**Section 67. Tax Settlement with County Treasurer.** The city treasurer shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

**Section 68. Disbursements, How Made.** All disbursements shall be made only upon the order of the mayor and city manager, duly authorized by a resolution of the council and every such resolution and order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. Each such order shall be payable to the order of the person in whose favor it is drawn. But no such order shall be issued until there is money sufficient to pay the same to the credit of the fund out of which it is to be paid, together with all then outstanding orders against such fund. Any order or resolution for the payment of money violating any provision of this section shall be void, and any officer of the city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No contract requiring the payment of money by the city shall be valid unless the particular fund out of which the same is to be paid is specified in such contract. No claim against the city shall be allowed unless accompanied by an itemized bill and voucher, pay roll, or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim.

**Section 69. Funds to be Kept.** There shall be maintained in the city treasury the following funds for the support of which the council may levy an annual tax:

(a) A sinking fund for the purchase, or payment when due, of any bonds or any other debt of the city and to pay the interest on all bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b) A public utility fund or funds for the acquisition, construction, extension, maintenance, and operation of any public utility owned or operated by the city, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and from the operation of such utility, 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, extension, operation, maintenance and repair of such utility, including the interest upon

all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate funds and accounts shall be kept for each such utility operated separately, and in case two or more utilities are operated together the funds and accounts shall be kept separately as far as practicable.

(c) A general fund for the support of such other funds and for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

(d) A permanent improvement revolving fund, which shall not be supported by general taxation. There shall be paid into this fund moneys received on special assessments levied for local improvements. The council may by resolution determine the aggregate amount of the assessments for local improvements which, in its judgment, shall be extended for payment, as is provided in Chapter Eight of this charter, but in no case shall such aggregate amount exceed eighty per cent of the total estimated cost of such improvement, and order the issuance and sale of bonds representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the city of Columbia Heights upon the surrender of such bonds to the treasurer on or after the date of payment thereof, the amount of money named therein to be paid, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such bonds may be issued in such amounts and become due on such dates as the council may determine. The proceeds of the sale of said bonds shall be paid into the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds direct to investors, or may contract for the sale of all such bonds that may be issued during any calendar year. No sale of such bonds, by contract, shall be made except after advertising for bids, at least one week prior to sale and such sales shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay par for the same.

**Section 70. Receipts to go to City Treasurer.** All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid into the city treasurer by the person authorized to receive the same at the close of each business day. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in rank and salary or to be dismissed from his office or position, as the council may determine after a hearing.

**Section 71. 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 of money in the custody of the city treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once each year, on or before the last day of January, 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 expenditures, 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 tax payers should know.

**Section 72. Bonded Debt and Debt Limit.** No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses, but bonds may be issued by a four-fifths vote of the council, subject to the referendum powers of the people, for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character. The total bonded debt of the city shall never exceed ten per cent of the assessed valuation of all the taxable property in the city, but in computing the total bonded debt, emergency debt certificates, and bonds issued prior to the adoption of this charter and either held in a sinking fund, or issued for the purchase, construction, maintenance, extension, enlargement, or improvement of water or lighting plants, or for the creation or maintenance of a permanent improvement revolving fund, shall not be counted as part of such total bonded debt. In no case shall bonds be issued to run for more than thirty years. The purposes for which bonds are issued shall be set forth in the ordinance authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose.

**Section 73. Form and Repayment of Bonds.** Bonds issued by the city may take the form either of term bonds or of serial bonds. In case of the issuance of any term bonds, it shall be the duty of the city manager to include in his estimates each year a sufficient sum, with a safe margin to spare, to set aside in a sinking fund for the repayment of the bonds at the end of the term, and another sum to pay the interest on the bonds for that year. In case of the issuance of serial bonds, it shall be his duty to include in his estimates each year a sum amply sufficient to pay the principal and interest on any bonds falling due that year, and another sum sufficient to pay the interest for that year on the bonds still outstanding.

**Section 74. Emergency Debt Certificates.** If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed one year and to bear interest at six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by four-fifths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

## CHAPTER 8

### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

**Section 75. Power to make local improvements.** The city of Columbia Heights shall have the power to lay and construct, extend, relay and repair, and maintain, directly by day labor, or by contract, pavements, curb and gutters, sidewalks, sewers, water mains, electric conduits, and any and all other local improvements in or under the streets, alleys, and public places in the city.

**Section 76. Power to Levy Special Assessments.** The power of the city of Columbia Heights, under the conditions in this charter specified, to provide by any lawful method for the payment of the whole or any part of the cost of any local improvement by special assessments upon the property specially benefited thereby, shall not be denied, and the city of Columbia Heights shall possess this power as fully as any other city in the state. The amount assessed to the property specially benefited, to pay for such local improvements, shall not, however, exceed the amount of the benefits received by such property.

**Section 77. Local Improvements, How Made.** The council shall have power to undertake local improvements by resolution passed by four-fifths of its members. The council shall make such local improvements upon petition of not less than fifty per cent of the resident owners of the real estate to be assessed therefor, or upon the petition of the resident owners of not less than fifty per cent of the real estate to be assessed therefor, as shown by the records in the office of the register of deeds of Anoka county. The council may thereupon assess the cost of such improvement or any portion thereof, against the property specially benefited by such improvement.

**Section 78. Appeal from Assessment.** Any party interested in any property assessed under this chapter may appeal from such assessment to the district court of Anoka County, within thirty days after the publication of the notice of confirmation thereof by the council. Such appeal is hereby declared to be the exclusive way in which such assessment can be revised, modified, amended or annulled.

**Section 79. Notice of Appeal.** Said appeal shall be made by filing a written notice with the city clerk, stating the party appeals to the district court from the assessment, and containing a description of the property of the appellant so assessed, and the objection of the appellant to the assessment, and by filing with the clerk of the district court within ten days thereafter, a copy of the notice of appeal. In case of an appeal, the council shall cause a copy of the assessment roll to be made and filed with the clerk of the district court within ten days from the time of the service of the notice of appeal. In case the return so made to the district court shall in any respect be defective, or insufficient, the court may require a further and fuller return to be made. The cause shall be entered by the clerk of the district court in the name of the person taking the appeal against the city as an "Appeal from assessments," and it may be brought on for hearing by either party, the same as other causes in the district court.

**Section 80. Trial of Assessment Appeal.** Such appeal shall be tried by the district court, without a jury, at a general or a special term, without pleadings other than as above stated. Upon such trial the appellant can make no other objections to the assessment than those stated in his notice of appeal, but the court may, in its discretion, permit such notice to be amended in this respect at any time. The court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, reduce or confirm the

assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the council how to make such new assessment so as to avoid errors complained of. The assessment roll shall, when confirmed by the Council, in all cases, whether on an appeal, or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to, and including, the confirmation of the assessment. Disbursements, but no statutory costs, may, in the discretion of the district court, be allowed upon an appeal from assessments as in other civil cases, but the judgment entered therefor against the city shall be a separate judgment and paid out of the general fund of the city. From the determination of such appeal by the district court, either party may appeal to the supreme court of the state.

Section 81. Re-assessments. If an assessment shall be set aside by the district court for any cause, jurisdictional or otherwise, the council shall proceed in like manner as herein required in relation to the first assessment; provided, however, that if the assessment as to any parcel of land shall not be appealed from, or shall not have been set aside by the court, the council, in any subsequent assessments or re-assessment, may omit the pieces or parcels of land as to which the first assessment shall have been paid. As often as an assessment, or re-assessment, against a piece or parcel of real estate, assessed for any local improvement, is set aside, the same shall be re-assessed until said property shall have paid its proper proportionate share of the benefits accruing from said improvement.

Section 82. Plan of Assessments. Whenever the council shall determine to make any local improvement, the cost of which may lawfully be assessed against benefited property, it shall determine and designate in a general way the character and extent of such improvement and the materials to be used, and thereupon it shall order a careful estimate to be made by the city manager of the cost of such improvements, together with a list of the several lots and parcels of land fronting upon and adjacent to such proposed improvement which he deems benefited thereby, and the names of the owners of the several parcels, as nearly as can be ascertained. After receiving such estimates the council shall determine what property will be benefited by such local improvement, and shall thereupon publish in the manner provided by this charter a list of all such property, with the names of the owners so far as the same can be ascertained, or in lieu of such list, a designation of the benefited district by giving the boundaries thereof, together with a notice of the time and place when and where all persons interested may appear and be heard by the council with respect to benefits and to the proportion of the cost of the improvement to be assessed against their property. If the council determines to proceed with such improvement, it shall estimate and fix the cost thereof and shall assess and levy such proportion or amount of such cost upon benefited property in proportion as it may deem the same benefited; and for such purpose shall adopt an assessment roll in such form as it may determine, and fix the time when payments may be made. The lien of such assessment shall attach to all property assessed as of date of adoption of the assessment roll by the council.

Section 83. Payment of Assessments. The council may provide for payment of special assessments either in a lump sum or in annual instalments for a period of not over ten years, and it shall provide for extending payments over a period of years if so requested in the property owners' petition. All interest charges and miscellaneous costs shall, if not previously paid, be included in the tax-bill for the last instalment of such assessment. The council shall provide by ordinance a uniform rule as to the number of years over which payments for various local improvements shall be extended.

Section 84. Penalty for Delinquency. Each assessment or installment not paid within the time fixed for payment by the council shall be deemed delinquent and a ten per cent penalty shall be added.

Section 85. Certified to Auditor. In each year the council shall cause to be made a certified statement of the several pieces of land against which assessments have been made and are delinquent, describing the land affected and giving the amount of the assessment with penalties added, which certified statement shall be filed with the county auditor of Anoka County, on or before the tenth of October each year. It shall be the duty of the county auditor to extend assessments with penalties, as shown by such certified statement, upon the tax rolls of the county for taxes of the particular year in which the assessment is filed, and the same, for each year ending October fifteenth, shall be carried into the tax becoming due and payable in January of the following year and shall be enforced and collected in the manner provided for the enforcement and collection of state and county taxes under and in accordance with the provisions of the general laws of the state, except that in court proceedings to enforce the collection of taxes, no defense as to the validity of any such assessments shall be permitted. Such assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes for state and county purposes under the general laws of the state.

Section 86. County Treasurer Collector for City. All assessments with penalties and interest thereon paid to the county treasurer shall belong to the city of Columbia Heights, and shall be turned over to the city treasurer in the manner provided in this charter and by law.

## CHAPTER 9

### EMINENT DOMAIN.

Section 87. Power to Acquire Property. The city of Columbia Heights is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, heat, power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired.

Section 88. Proceedings in Taking Property. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this chapter.

Section 89. Payment of Award. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or

judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

**Section 90. City May Abandon Proceedings.** The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

**Section 91. City May Take Entire Plant.** In case the city shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

**Section 92. Easements, How Acquired.** Easements for slopes, fills, sewers, building lines, poles, wires, pneumatic tubes, pipes and conduits for water, gas, heat and power, may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

## CHAPTER 10 FRANCHISES.

**Section 93. Franchises Defined.** The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city of Columbia Heights, whether such privilege has heretofore been granted by the village of Columbia Heights or the state of Minnesota, or shall hereafter be granted by the city of Columbia Heights or the state of Minnesota. The terms "public service corporation," "co-partnership," or "person," as used in this chapter, shall be construed to mean any corporation, co-partnership, or person exercising any franchise within the city of Columbia Heights. The term "company" shall mean either a corporation, a co-partnership, or any person exercising any franchise within the city of Columbia Heights.

**Section 94. Franchise Ordinances.** The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any por-

tion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

**Section 95. Publication of Franchises.** Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, either by the publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passage, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city for a period of thirty days after its passage. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

**Section 96. Term of Franchises Limited.** No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

**Section 97. Power of Regulation Reserved.** The city of Columbia Heights shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by the village of Columbia Heights or the state of Minnesota, or shall hereafter be granted by the city of Columbia Heights or the state of Minnesota.

**Section 98. Regulation of Rates and Charges.** All corporations, co-partnerships, and persons exercising franchises in the city of Columbia Heights shall give courteous, efficient, and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in the public service within the city. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of the maximum price or rate to be charged by any company for service rendered to the city or to any person or persons within the city shall be made, if possible, by direct negotiations between the company and the council at public hearings. In case of failure to reach an agreement by this method, the council shall appoint the city manager or some other expert as its representative, the company shall appoint a representative, and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate-making, who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the council shall thereupon by ordinance fix the price or rate agreed to by the board, subject only to the referendum powers of the people. Schedules of rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more than three years. The city and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as provided for the original fixing of the rates.

**Section 99. Arbitration of Labor Disputes.** If any controversy, dispute, or disagreement shall arise between any public service corporation, co-partnership, or person, operating in the city, and its employees, which, in the opinion of the council, interferes or threatens to interfere with the service to which the city or its inhabitants are entitled, the council shall have power to compel the parties involved in the controversy to submit the same to a board of arbitration under such procedure as may be provided by ordinance. The findings

of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

**Section 100. Conditions in Every Franchise.** Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of Sections 94 to 102, inclusive, of this charter.

(b) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates and charges shall at all times be just, fair, and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner provided in Section 99 of this charter.

(c) That the council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(d) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(e) That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the council may require, which bond shall run to the city as obligee, with sureties satisfactory to the council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise.

(f) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the condition that the council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all wires for whatsoever purpose used.

(g) Every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be a sufficient cause for the forfeiture of the franchise by a resolution of the council.

**Section 101. Further Provisions of Franchises.** The enumeration and specification of particular matters which must be included in every franchise

or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.

**Section 102. Acquisition and Operation of Utilities.** The city of Columbia Heights shall have power to acquire public utilities as provided in Chapter Nine of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

**Section 103. Rates and Finances.** 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.

**Section 104. Purchase in Bulk.** The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

**Section 105. City to Pay for Services.** 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 provides some other plan.

**Section 106. Lease of Plant.** The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by four-fifths of the council and subject to popular referendum. 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 10 of this charter.

**Section 107. Public Utility, How Sold.** 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 an ordinance passed by a four-fifths vote of 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.

## CHAPTER 12

## MISCELLANEOUS AND TRANSITORY PROVISIONS.

**Section 108. Official Publications.** The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this charter or by the constitution and laws of Minnesota. It shall annually designate a newspaper of general circulation in the city as the official paper in which shall be published such measures and matters as are by the constitution and laws of this state required to be so published, and such other matters as the council may deem it wise to have published in this manner, or in lieu thereof it may establish a municipal publication, which shall then be the official newspaper. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initiative, referendum, and recall petitions, election notices, and such other measures and matters as it may deem wise by the posting of typewritten, mimeographed, or printed copies thereof upon at least ten bulletin boards located in the most public places of the city, near street car stops, at important street intersections, at the fire station, the city hall, and so on, and for such period of time as the council may direct in each case. If the latter method of publication is adopted, the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option. Wherever in this charter there is a requirement of the publication of any measure or matter, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control.

**Section 109. City Property Not Lost by Adverse Possession.** No right, title, estate, or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

**Section 110. Sales of Real Property.** No real property of the city shall be disposed of except by ordinance. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

**Section 111. Vacation of Streets.** No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council and subject to popular referendum. A record of such vacation shall be made in the office of the Register of Deeds of Anoka county.

**Section 112. Damage Suits.** No action shall be maintained against the city on account of any injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred, and that the person injured or damaged will claim damages of the city therefor.

**Section 113. 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 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; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

**Section 114. City to Succeed to Rights and Obligations of Village.** The city of Columbia Heights shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations, of the village of Columbia Heights.

**Section 115. Village Officers to Hold Office Till When.** The officers of the present village of Columbia Heights shall continue in their respective offices and functions, and shall continue to govern the village in the usual manner until the first Monday in July, A. D. 1921. They shall make such financial and other provisions for the fiscal year 1921 as will serve to carry on the government until a city government has been set up under this charter, and they shall make provision for the election of the first city council as provided for in Chapter 4 of this charter.

**Section 116. Statutes Not Affected by Charter.** All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the city of Columbia Heights operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Columbia Heights, and shall be construed as supplementary to the provisions of this charter.

**Section 117. Existing Ordinances Continued.** All ordinances and regulations of the village of Columbia Heights in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

**Section 118. Pending Condemnations and Assessments.** Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the village prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

**Section 119. Ordinances to Make Charter Effective.** The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.



## PROPOSED CHARTER FOR

The foregoing draft is hereby proposed as a new charter for the city of Columbia Heights, to be submitted to the electors of the city, the same being made, framed and adopted by the board of freeholders, duly appointed by the judge of the District Court in and for the county of Anoka and state of Minnesota on ....., pursuant to the provisions of Section 36 of Article IV of the Constitution of the state of Minnesota and the laws enacted pursuant thereto; and this draft of this proposed charter of the city of Columbia Heights is hereby submitted and returned to the Honorable Wm. Gauvitte, Mayor of the Village of Columbia Heights, in accordance with law. Dated this.....

day of .....

E. A. CARLSON, President.  
 O. H. PRESTEMON, Secretary.  
 M. E. BEAN,  
 LEWIS I. BIRDSALL,  
 J. BURMEISTER,  
 E. M. CHRISTIAN,  
 A. T. EVANS,  
 WILLIAM C. GAUVITTE,  
 ALFRED LUCIER,  
 JAMES McKENNA,  
 F. H. MORTON,  
 F. G. RORRISON,  
 L. S. SEELYE,  
 H. E. SODERHOLM,  
 P. T. STACK.

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STATE OF MINNESOTA

DEPARTMENT OF STATE

FILED

JUL 27 1921

*W. H. Johnson*

Secretary of State

IMPERIAL PRINTING COMPANY, MINNEAPOLIS

