

**To:** Office of Secretary of State  
State of Minnesota  
180 State Office Bldg.  
St. Paul, Minnesota 55155

**From:** Office of Recorder  
City of Tracy  
Lyon County,  
Minnesota 56175

Attention: Mrs. Dion

Re: Charter

November 15, 1974

**Memo:**

Dear Mrs. Dion:

Please find enclosed a copy of the adopted Charter along with my certification attesting to the accuracy of the copy. I have also sent a copy of the Charter and certification to the Register of Deeds, Lyon County Courthouse, as outlined in the Statutes, Chapter 410.11.

Sincerely,

*Kathy A. Ritter*  
Kathy A. Ritter  
City Recorder

**Reply:**

#27491

RECEIVED *from*  
JAN 22 1975 *Electron*  
SECRETARY OF STATE *Section*  
CORPORATION DIVISION

**Signature:**

**CITY OF TRACY**

*Office of Recorder*  
**TRACY, MINN. 56175**



OFFICE OF SECRETARY OF STATE

STATE OF MINNESOTA

180 STATE OFFICE BUILDING

ST. PUL, MINNESOTA 55155

ATTENTION: MRS. DION

# CERTIFICATE OF ADOPTION OF CHARTER

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF LYON )

The undersigned, Kathy A. Ritter, certifies that:

1. She is the duly appointed and acting City Recorder of the City of Tracy, Minnesota.

2. Accompanying this certificate and made a part hereof is a true and accurate copy of the charter prepared and delivered to the City Council of the City of Tracy by the Charter Commission of said City which charter was duly adopted at a special election held on November 5, 1974, in said City by an affirmative vote of more than 51% of the votes cast on the proposition, to-wit:

For the adoption of such charter - 518

Against the adoption of such charter - 271

Other ballots, spoiled or not counted - 17

IN WITNESS WHEREOF the undersigned has hereunto  
set her hand and seal this 15th day of November, 1974.

Kathy A. Ritter  
Kathy A. Ritter  
City Recorder  
City of Tracy, Minnesota

4127491  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 4 9 1975  
Secretary of State

RECEIVED  
JAN 22 1975  
SECRETARY OF STATE  
CORPORATION DIVISION

from  
Election Section

**SUGGESTED CHARTER OF THE CITY OF TRACY, MINNESOTA**

**CERTIFICATE OF ADOPTION OF  
AMENDED CHARTER  
CITY OF TRACY, MINNESOTA**

**CERTIFICATE OF CHARTER COMMISSION**

Jack Von Bokern, Chairman  
Guy Salmon, Vice Chairman  
Alda Mae Brewster, Secretary  
Charles I. Buzzell  
Ernie Surprenant  
Howard Enderson  
Gordon Johnston  
Richard L. Donaldson  
Ken Aumelster  
Robert Sandbo  
Ray O'Donnell  
Margo Larey  
Bruce Kirkpatrick  
Crystal Stassen  
Robert H. Volta

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 4 2 1975  
*G. M. Anderson*  
Secretary of State

**CHAPTER I**

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

Section 1.01. NAME AND BOUNDARIES. The City of Tracy, in the County of Lyon, and the State of Minnesota, shall, upon the effect of this Charter, continue to be a Municipal Corporation, under the name and style of the City of Tracy, within the corporate limits as now established or as hereafter established in the manner provided by law.

Section 1.02. POWERS OF THE CITY. The city shall have all powers which it may now or which hereafter would be possible for a Municipal Corporation in this state to exercise, in harmony with the constitution of this state and the United States. It is the intention of this charter that every power which the people of the City of Tracy might lawfully confer upon themselves, as a Municipal Corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the city and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.03. CHARTER A PUBLIC ACT. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days from and after its adoption as provided by the constitution and laws of the State of Minnesota.

Section 1.04. SUCCESSION TO RIGHTS AND OBLIGATIONS. The city shall succeed to all the property, rights and privileges and shall be subject to all the legal obligations of the city under the former charter.

Section 1.05. PRESENT OFFICERS. The present officers of the city shall continue in their respective offices and function until the first council meeting in January following the first municipal election held after the adoption of this charter.

Section 1.06. 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 Tracy operating under home rule charters, and not inconsistent with the provisions of this charter shall apply to the City of Tracy and shall be construed as supplementary to the provisions of this charter.

Section 1.07. EXISTING ORDINANCES CONTINUED. All ordinances and regulations of the city 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 1.08. 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.

## CHAPTER 11

### ADMINISTRATION OF CITY AFFAIRS

Section 2.01. FORM OF GOVERNMENT. The form of government established by this charter is the Mayor-Council plan. The council shall exercise the legislative power of the city, determine all matters of policy, and shall be subject to initiative, referendum, and recall powers of the people, for the proper administration of all affairs relating to the city. It shall have complete control over the city administration, which it shall exercise either directly through the mayor or through its city clerk, city superintendent, appointed officers and heads of departments, subject to provisions of this charter and any regulations or ordinances consistent herewith.

Section 2.02. BOARDS AND COMMISSIONS. The council in addition to the boards and commissions herein after set out may establish advisory boards and commissions as it shall deem necessary.

Section 2.03. COUNCIL COMPOSITION AND ELECTION. The council shall be composed of a mayor and six councilmen who shall be qualified electors and who shall be elected at large. Each councilman shall serve for a term of two years and until his successor is elected and qualifies, except that at the first election held after the adoption of this charter the three candidates having the highest number of votes shall serve for two years and the other three successful candidates shall serve for one year. The mayor shall serve for a term of two years and until his successor is elected and qualifies.

Section 2.04. APPOINTIVE OFFICERS. At the first regular meeting in January, the mayor, with council approval, shall appoint the following officers, who shall hold office for a term of one (1) year, and until his successor is appointed and has qualified, or is removed: the city clerk; the deputy city clerk; the city attorney; and any other officer deemed necessary.

Section 2.05. INCOMPATIBLE OFFICERS. No member of the council shall hold any municipal office or employment under the city, except as authorized by state statute. Until one (1) year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment by the city which office or employment was created or the emolument of which was increased during his term as mayor or councilman.

Section 2.06. VACANCIES IN THE COUNCIL. A vacancy in the council or a vacancy of the mayor's office 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 city, continuous absence from the city for more than three (3) 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 or mayor without good cause to perform any of the duties of membership in the council for a period of three (3) 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 for the unexpired term.

Section 2.07. THE MAYOR. The mayor shall preside at meetings of the council but shall cast his vote as a member only on matters that result in a tie vote. The council shall choose from its members a president pro tem who shall hold office at the pleasure of the council. He shall serve as president in the mayor's absence and as mayor in case of the mayor's disability or absence from the city. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for purposes of martial law.

Section 2.08. CITY SUPERINTENDENT. The council may, by ordinance, provide for a city superintendent. The city superintendent shall have such duties and powers as the council may, from time to time, establish and provide by ordinances duly adopted.

Section 2.09. ADMINISTRATIVE ORGANIZATION. The council may by ordinance establish city departments, offices, and agencies and prescribe their functions. No power or duty conferred by this charter upon a particular office or agency shall be transferred to any other.

Section 2.10. THE CITY CLERK. The city clerk shall be the secretary of the city council. He shall have the care and custody of the corporate seal of said city and of all papers, instruments, files and records of the city. He shall prepare and sign all orders and checks and keep such records and accounts as he shall be required to keep by this charter or by the council. He shall keep in permanent form minutes of all council meetings. He shall have all powers, rights, and privileges and perform all the duties imposed or granted by the city council, or by the statutes of the State of Minnesota so far as applicable and except as herein otherwise provided. All fees paid to the city clerk shall be turned over by him to a depository designated by the council. During the absence or disability of the city clerk, the deputy city clerk shall have all the powers, rights and privileges, and perform all the duties imposed on or granted to the city clerk.

Section 2.11. SALARIES. The mayor and councilmen shall receive such compensation as is fixed by the council in accordance with law. All subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Section 2.12. COURT SERVICES. The council shall do all within its' jurisdiction to provide adequate court facilities in the municipality, **As provided for under the general statutes of the State of Minnesota**.

Section 2.13. INVESTIGATION OF CITY AFFAIRS. The council and any officer or officers formally authorized by them, shall have the power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council shall provide for a yearly audit of the city's accounts as provided by the law by the state department in charge of such work or by a certified public accountant. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.



Section 2.14. MERIT SYSTEM. The council may by ordinance establish the merit system in all or part of the city administration, but neither the council nor any of its members shall dictate the appointment of any person to office or employment by the city superintendent, police commission, hospital board or liquor store manager or in any manner interfere with the city superintendent, advisory commissions or boards, or manager of liquor store or prevent them from exercising their own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administrative services solely through the city superintendent, or the other departments as listed herein and neither the council nor any member thereof shall give orders to any of the subordinates of the city superintendent and/or the boards or commissions listed herein, either publicly or privately.

Section 2.15. OATH OF OFFICE. Every officer of the city, before entering upon the duties of his office, shall 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 the State of Minnesota, and the charter and ordinances of the City of Tracy, and do faithfully discharge the duties devolving upon me as \_\_\_\_\_ of the City of Tracy, to the best of my judgment and ability."

Section 2.16. OFFICIAL BOND. The clerk and such other officers and employees of the city as designated by the council, before entering upon the duties of their respective offices, shall give a corporate surety bond to the city in such sum as may be fixed by the council as additional security for the faithful performances of their respective official duties and safe-keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by the council president as having been so approved. Such bonds may be either individual or blanket bonds in the discretion of the council.

## CHAPTER XIX

### PROCEDURE OF COUNCIL

Section 3.01. COUNCIL MEETINGS. On the first regular meeting in January, 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 their duties. Thereafter, the council shall meet at such times each month as may be prescribed by ordinance or resolution. The president of the council or any four (4) members of the council 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 at his usual place of residence with some responsible person. 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 3.02. SECRETARY OF COUNCIL. The city clerk shall act as secretary of the council. He shall keep a journal of council proceedings and shall keep such other records and perform such other duties as may be required in this charter or the council may require. The council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the city clerk the council may designate any other official or employees of the city (except the city superintendent or a member of the council) to act as secretary of the council.

Section 3.03. RULES OF PROCEDURE AND QUORUM. The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. ORDINANCES, RESOLUTION, AND MOTIONS. Except as in this charter otherwise provided, all legislation shall be by ordinances, all matters of policy, council directives and business shall be by resolutions. Internal matters affecting council members and council procedure only may be done by a simple motion. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this chapter.

Section 3.05. PROCEDURE ON ORDINANCES. The enacting clause of all ordinances shall be in the words, "the City of Tracy does ordain". Every ordinance shall be presented in writing. An ordinance may be introduced only at a regular council meeting by any member of the city council, by the mayor, or by a petition signed by ten per cent (10%) of the number of qualified voters voting in the last presidential or gubernatorial election. If the ordinance as submitted or revised is approved by a majority vote of the council, the council shall then cause a notice to appear in the official publication of the city explaining in general the extent of the ordinance and give a brief resume as to the purpose of the ordinance. The notice shall also contain the date of the next regular meeting at which a public hearing will be held regarding the proposed ordinance. After all voters in attendance at the hearing have been heard regarding the ordinance, the president of the council shall call for a vote. If the ordinance is approved by at least Four (4) members of the council it will then become effective 30 days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption or at such later date as it specifies.

Section 3.06. EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by a vote of at least two-thirds (2/3) majority of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been filed with the city clerk and posted in three (3) conspicuous places or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of. An emergency ordinance shall take effect immediately after its adoption.

Section 3.07. PROCEDURE OF RESOLUTIONS. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent. A resolution shall take effect immediately after its adoption or at such later date as fixed therein.

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the council shall be signed by the mayor or by two (2) other council members, attested by the city clerk and filed and preserved by him. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate a statute of Minnesota, a state administrative rule or a regulation, a code or ordinance or part thereof without publishing the material referred to in full.

Section 3.09. REVISION AND CODIFICATION OF ORDINANCES. By ordinance the city council may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the council at the office of the city clerk for general distribution to the public at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published, if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two (2) successive weeks.

Section 3.10. AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

## NOMINATIONS AND ELECTIONS

Section 4.01. **REGULAR ELECTIONS.** A regular municipal election shall be held in the City of St. Louis, Missouri, in November of each year commencing with the year 1900, at places as the city council may determine. The council shall give at least ten days notice of such election by resolution or by giving such notice in the official newspaper of the city. The notice or give such notice shall not be less than ten days.

Section 4.02. **SPECIAL ELECTIONS.** The council may by resolution order a special election and provide all means for holding it. The clerk shall give at least ten days notice of a special election. The procedure for such election shall conform as nearly as possible to that provided for other city elections.

Section 4.03. **calendar FILING FOR OFFICE.** calendar No earlier than 42 days or later than 21 days before the municipal election, any voter of the city qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee of \$2.00 to the city clerk, have his name placed on the municipal election ballot.

Section 4.04. **PROCEDURE AT ELECTIONS.** Subject to this charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

## CHAPTER V

### INITIATIVE AND REFERENDUM

Section 5.01. **GENERAL VOTER AUTHORITY.** The voters of the city shall have the right, in accordance with this chapter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as the initiative and referendum.

Section 5.02. **PETITIONS.** An initiative or referendum shall be initiated by a petition signed by registered voters of the city equal in number to 20 per cent of those who voted for mayor in the last preceding city election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.03 or 5.04, as the case may be. Each signer shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city. Any person whose name appears on a petition may withdraw his name by a statement in writing filed with the city clerk before the clerk advises the council of the sufficiency of the petition.

Section 5.03. DETERMINATION OF SUFFICIENCY. Immediately upon receipt of the petition, the city clerk shall examine the petition as to its sufficiency and report to the council within 20 days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

Section 5.04. DISPOSITION OF INSUFFICIENT PETITION. If the council determines that the petition is insufficient or irregular, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 30 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 council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in his office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

Section 5.05. INITIATIVE. Any ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of city officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the city clerk within 10 days of its passage by the council, the ordinance need not be submitted to the voters. If the council fails to enact the ordinance in an acceptable form within 60 days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the city. If no election is to occur within 120 days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective 30 days after adoption unless the ordinance specifies a later effective date.

Section 5.06. REFERENDUM. Any ordinance subject to the initiative may be subjected to referendum by a petition which shall state, at the head of each page or on an attached paper, a description of the ordinance. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the council determines. If a majority of the voters voting thereon favors the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect but shall be repealed if a majority of the voters voting on the ordinance vote against it.



## CHAPTER VI

Section 6.01. PURCHASE. All contracts for the purchase of commodities or services or construction, in an amount exceeding \$5,000.00 (Five thousand dollars) except as hereafter set out, shall be made only as a result of a public call for bids as herein provided. Such items as professional services, real estate, patented or exclusively held material, and all services or property needed for public uses for which the taking of competitive offers is impossible or impracticable are exempt from such bidding. The city may purchase realty on a contract for deed or personal property on a conditional sales contract.

Section 6.02. PROCEDURE. In all cases where a public letting of a contract is required, complete and detailed written plans and specifications shall be prepared and filed with the city clerk. The city clerk shall then advertise for bids by written notice published in the official newspaper of the city once each week or not less than two (2) weeks, which notice shall provide that any and all bids may be rejected by the council. Additional notice may be given in such other publication and form as may be deemed necessary. Each bidder shall be required to deliver with his bid a certified or cashier's check or a bidders bond (secured by a surety licensed to do business in the State of Minnesota) in an amount of at least five percent (5%) of the total of his bid, to be forfeited as liquidated damages if the bidder shall fail to execute the contract if awarded to him. Bids received shall be publicly opened at such time and place as specified in the advertisement for bids. The contract shall be awarded to the lowest responsible bidder except that the council may exercise a reasonable discretion as provided by law. Subject to the provisions of this chapter, the council may by ordinance adopt further regulations for taking of bids and letting of contracts.

Section 6.03. EMERGENCY PROCEDURE. In the event of emergency and when delay would cause great damage to the public interest or endanger the public safety, the council may direct the making of necessary repairs or the performance of necessary work by day labor and secure machines and materials therefore in the open market without the necessity of call for bids.

Section 6.04. CONTRACTS. Every person to whom a contract is awarded shall furnish a corporate surety bond (of a surety licensed to do business in the State of Minnesota) to guarantee the faithful performance of his contract. All contracts, bonds and instruments of any kind to which the city is a party shall be signed by the council president and the city clerk.

Section 6.05. CITY OFFICERS NOT TO BE INTERESTED IN CONTRACTS. Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

## CHAPTER VII

### TAXATION AND FINANCES

Section 7.01. 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, settlement of accounts, and the safe-keeping and disbursement of public money, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses. It shall be the duty of the city council to cause an audit of the city's books to be made at the end of the fiscal year. Said audit shall be made by a qualified accountant and shall show the condition of the city's financial affairs and comprehend such items and information as are usually included in an audit. A condensed report of said audit as prepared by the qualified accountant shall be published by the city council in the official newspaper of said city within three (3) months after the end of the fiscal year.

Section 7.02. FISCAL YEARS. The fiscal year of the City of Tracy shall be January 1 through December 31.

Section 7.03. SYSTEM OF TAXATION. Subject to the state constitution and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the city shall conform to the general state law as to the assessment of such property and the collection of such taxes.

Section 7.04. BOARD OF EQUALIZATION. Three councilmen shall constitute a board of equalization to equalize assessment of property for taxation purposes according to law.

Section 7.05. PREPARATION OF THE ANNUAL BUDGET. The mayor or his designee shall direct the preparation of estimates for the annual budget. The budget shall be by funds and shall include all the funds of the city, except the funds made up of proceeds of bond issues, hospitals, liquor store, and utility fund, and special assessment funds, and may include any of such funds at the discretion of the council. The estimate of expenditures for each fund budgeted shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance, and repairs); (2) payment of principal and interest on bonds and other fixed charges; (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character).

Ordinary expenses shall be sub-divided into: (a) total salaries and the number of persons salaried; (b) other expenses, 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 extended under similar headings for the past two (2) completed fiscal years and the current fiscal year, actual to date and estimated for the balance of the year. In addition to the estimates of expenditures, the budget shall include for each budgeted fund a statement of the revenues which have accrued for the past two (2) completed fiscal

together with the amount collected and the uncollected balances together with the same information, based on, so far as necessary, estimates, 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: (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not including the foregoing, (f) sales and rentals, (g) earnings of public utilities and other public service enterprises, (h) special assessments and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten and there shall be sufficient copies for each member of the council, for the mayor, for the city clerk, and three (3), at least, to be posted in public places in the city. The estimates shall be submitted to the council at its first regular monthly meeting in August and shall be made public. The council president may submit with the estimates such explanatory statement or statements as he may deem necessary, and, during the first three (3) years of operation under this charter, shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

**Section 7.06. PASSAGE OF THE BUDGET.** The budget shall be the principal item of business at the first regular 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 opportunity to be heard. The budget estimates shall be read in full and the council president shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed by the majority of the full council when adopted. It shall indicate the sums to be raised and from what sources; and the sums to be spent and for what purposes according to section 7.05. The total sum appropriated shall be less than the total estimated revenue.

The council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council deems necessary for the purposes of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year. The tax levy resolution shall be certified to the county auditor in accordance with law not later than October 10. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution.

**Section 7.07. ENFORCEMENT OF THE BUDGET.** It shall be the duty of the city council to enforce strictly the provisions of the budget.



Section 7.08. ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The budget may further be altered to provide for capital expenditures financed by bond and/or non tax sources. The council may at anytime, by resolution approved by a majority of the full council, reduce the sums appropriated for any purpose by the budget resolution, or by a vote of two-thirds (2/3) majority of the full council, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. EMERGENCY APPROPRIATION IN BUDGET. The council may include an emergency appropriation as part of the budget but not to exceed ten percent (10%) of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of two-thirds (2/3) majority of the full council and shall be used only for the purposes designated by the council.

Section 7.10. DISBURSEMENTS, HOW MADE. No disbursements of city funds shall be made except such payment be authorized by vote of majority of all members of the city council and be made by check signed by the mayor and the city clerk or [REDACTED], deputy city clerk, except otherwise provided herein or by ordinance, and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The clerk shall note on each contract requiring the payment of money by the city out of the particular fund from which it is to be paid. The council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the city.

Section 7.11. FUNDS TO BE KEPT.

Subd. 1. There shall be maintained in the city treasury a general fund for the payment of such expenses as the council may deem proper. Into this fund shall be paid all moneys levied for this fund and all moneys not required to be placed in some other fund.

Subd. 2. There shall also be maintained in the city treasury such other funds, or division of funds, as the budget shall require or council shall direct. There shall also be maintained in the city treasury such other funds or divisions of funds as are required by law, ordinance or resolution.

Section 7.12. ACCOUNTING PROCEDURE. The council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, the charter, and the ordinances adopted in accord therewith.

Section 7.13. CITY INDEBTEDNESS. No obligations shall be issued to pay current expense, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of an obligation for which an election is not required by this charter or by state law, no such obligations shall be issued and sold without the approval of the majority of the electors of the city voting on the question at a general or special election.

Section 7.14. TAX ANTICIPATION CERTIFICATES. At any time after November 1, following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed seventy percent (70%) of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine, but they shall become due and payable not later than one (1) year following the date of their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the city, shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.15. EMERGENCY DEBT CERTIFICATES. If any year the receipts from taxes or other sources should for 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 extra-ordinary expenditures, the council may by ordinance issue and sell on such terms and in such manner as the council determines, emergency debt certificates to run not to exceed five (5) years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least four (4) members of the council. It may be passed as an emergency ordinance.

Section 7.16. FEES SHALL BE PAID TO THE CITY GOVERNMENT. All fees received by any officer or employee shall belong to the city.

#### CHAPTER VIII

#### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The city shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefited property to pay such local improvements may equal the cost of the improvements, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

Section 8.02. ASSESSMENTS FOR SERVICE. All proceedings for the construction and improvements to be paid for by special assessments against the benefited property may be instituted by either of two (2) methods as follows:

(1) The procedures authorized by the laws of the State of Minnesota. or

(2) A proceeding for any of the public improvements may be initiated by the filing of a petition by the property owners affected or benefited by such improvements, or upon the Council adopting a resolution determining that such public improvements are for the benefit of the general public convenience, safety or health.

"If the proceeding for the improvement is initiated by petition, the petition shall be signed by a majority of owners of property benefited or affected by the improvement, and the Council shall not be required to consider a petition for public improvement if not signed by a majority of the owners of property to be so affected."

## CHAPTER IX

### EMINENT DOMAIN

Section 9.01. POWER TO ACQUIRE PROPERTY. The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 9.02. CITY MAY TAKE ENTIRE PLANT. If the city condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceeding or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system; but all the property, lands, articles, franchises, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the council or other body assessing the damages on condemnation. This does not prevent the city, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

## CHAPTER X

### FRANCHISES

Section 10.01. FRANCHISES REQUIRED. Except as otherwise provided by law, no persons, firm, or corporation shall place or maintain any permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. TERM. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. PUBLIC HEARING. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 10.04. POWER OF REGULATION RESERVED. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05. RENEWALS OR EXTENSIONS. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as of a new franchise.

## CHAPTER XI

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.01. ACQUISITION AND OPERATION OF UTILITIES. The city may own and operate any gas, water, heat, power, lights, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of a commission established by the city council for this purpose.

Section 11.02. RATES AND FINANCES. The council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Section 11.03. PURCHASE IN BULK. The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. LEASE OF PLANT. The council may, if the public interest 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 five (5) members of the council. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

Section 11.05. PUBLIC UTILITY, HOW SOLD. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirement of a state law.

## CHAPTER XII

### MISCELLANEOUS PROVISIONS

Section 12.01. OFFICIAL PUBLICATIONS. The council shall annually designate a legal newspaper as provided by the laws of Minnesota as its official newspaper.

Section 12.02. SALE OF REAL PROPERTY. The sale of real property of the city shall be authorized by ordinance. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness by the city in the purchase, construction or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

Section 12.03. VACATION OF STREETS. The council may by ordinance approved by a majority of the full council vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.04. FORMER CHARTER REPEALED. The existing Charter of the City of Tracy as amended is hereby amended by striking all the provisions thereof and substituting therefore the foregoing Charter of the City of Tracy.

"We the undersigned, representing a majority of the Tracy Charter Commission, do hereby adopt this proposed Charter Revision for the City of Tracy, Minnesota dated this 26<sup>th</sup> day of

August 26<sup>th</sup>, 1974.

*Geoff LaBaker*  
*Eric J. Jorgensen*  
*Richard J. Mulder*  
*London Johnston*  
*Howard Enderson*  
*Margaret Carey*  
*Ray C. Linnell*  
*Eugene Salmon*

*Kenneth L. Bruner*  
*James L. Bruner*  
*Bruce W. Kestner*  
*Alvin W. Bruner*

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 4 2 1975  
*James L. Bruner*  
Secretary of State