



# City of Lake City

Office of  
CITY HALL  
City Clerk  
205 West Center Street  
LAKE CITY, MINNESOTA 55041

RECEIVED  
FEB 18 1975  
SECRETARY OF STATE

STATE OF MINNESOTA  
COUNTY OF WABASHA  
CITY OF LAKE CITY

I do hereby certify that the attached Charter is a true and accurate copy that was adopted by the Citizens of the City of Lake City, Minnesota at a duly authorized election held on Tuesday, November 5th, 1974, of which there were 1050 Yes Votes, 624 No Votes and 80 Blank Votes, as shown by the Minutes in my possession dated November 7th, 1975.

*Dorothy Fick*  
Dorothy Fick, City Clerk

Dated this 14th day  
of February, 1975.

(seal)

# 27689  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 18 1975  
*James A. Johnson*  
Secretary of State

CHARTER  
OF THE  
CITY OF LAKE CITY

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CHARTER  
OF THE  
CITY OF LAKE CITY

CHAPTER 1

Name, Boundaries, Powers and General Provisions

Section 1.01. Name and Boundaries. The City of Lake City, in the Counties of Wabasha and Goodhue, State of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation, under the name and style of the City of Lake City with the same boundaries as now are or hereafter may be established.

Section 1.02. Powers of the City. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city, and the specific mention of particular municipal powers in other sections of this charter to not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the city council.

Section 1.03. Charter Effective. This charter shall take effect thirty days from and after its adoption by the voters.

CHAPTER 2

Form of Government

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 and determine all matters of policy.

Section 2.02. Boards and Commissions. The council shall create a Hospital Board to exercise powers and duties relating to hospital and public health matters; a Marina Board to exercise powers and duties relating to the marina and waterfront matters; a Utility Board to exercise powers and duties relating to water, sewer, and electricity; and may create by ordinance if it deems necessary such other boards and commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions. The powers and duties of all boards and commissions shall be determined by ordinance. The council shall itself be and perform the duties and exercise the powers of such boards and commissions provided for by statute unless it otherwise so provides by ordinance. Each board and commission shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board or commission member shall serve more than three consecutive terms, or serve as a member of more than one board or commission at the same time except as a member of a planning commission. The three consecutive term provision shall not be retroactive to the adoption of this charter. Any board or commission member may be removed from office for cause shown by vote of not less than five members of the council. The mayor shall appoint the members of the boards and commissions, subject to the confirmation of a majority of the council. All persons now holding office in the city shall continue in office to the expiration of the term for which they have been appointed and until their successors shall have been designated and qualified. The terms of all board and commission members shall be extended to the first business day of March of the year next succeeding the date of the expiration of their term expiring after the adoption of this charter.

Section 2.03. Elective Officers. The council shall be composed of a mayor and six council persons, who shall be qualified electors of the city and who shall be elected at large. The mayor and council persons shall hold office for the term of three years, commencing on the first business day of January following the year in which they were elected and qualified, and until their successors are elected and qualified. The term of the incumbents holding office filled by municipal election before adoption of this charter whose terms expire in 1975 are hereby extended so as to end on the first business day of January, 1976. The term of the incumbents holding office filled by municipal election before adoption of this charter whose terms expire in 1976, are hereby extended so as to end on the first business day of January, 1977. The two unfilled offices of council persons created by this charter shall be filled at a special election on the first Tuesday after the first Monday in February, 1975, and those council persons so elected shall take office on the first business day of March, 1975, whose terms shall expire on the first business day in January, 1978.

Section 2.04. Incompatible Offices. No member of the council shall hold any other paid municipal office or employment under the city; and until one year after the expiration of the member's term as mayor or council person, no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created or the emoluments of which were increased during the member's term as council person.

Section 2.05. 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 council person 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.

Section 2.06. The Mayor. The mayor shall be the presiding officer of the council, except that the council shall choose from its members a president pro tem who shall hold office at the pleasure of the council and 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 have a vote as a member of the council. The mayor shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. The mayor shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law. The mayor shall from time to time give the council such information and recommend such measures as the mayor may deem advantageous to the city.

Section 2.07. Salaries. The mayor and council persons shall receive such compensation as is fixed by the council in accordance with law. Unless otherwise provided by ordinance, all officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Section 2.08. Investigation of City Affairs. The council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The council shall provide for an audit of the city's accounts at least once a year by a state department in charge of such work or by a certified public accountant. At any time the council may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study on any subject of municipal concern.

## CHAPTER 3

### Procedure of Council

Section 3.01. Council Meetings. On the second business day of January 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 their duties. Thereafter the council shall meet at such times each month as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council upon reasonable notice to each member of the council. Such notice whenever possible shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. All meetings of the council shall be open to the public, and the public shall have access to the minutes and records thereof at all reasonable times.

Section 3.02. Secretary of Council. The city clerk, or the clerk's designee, when approved by the council, shall act as secretary of the council. The clerk shall keep a journal of the council proceedings and such other records and perform such other duties as this charter or the council may require. The council shall choose such other officers and employees as may be necessary to serve at its meeting.

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, Resolutions and Motions. Except as in this charter otherwise provided, all legislation shall be by ordinance. The yes and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of the members of the council present shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. Procedure on Ordinances. Every ordinance other than emergency ordinances shall have two public readings. At least seven days shall elapse between the first and second readings thereof. Every ordinance before passage, except emergency ordinances, shall be published once in the official newspaper of the city at least three days before the second reading thereof. The enacting clause of all ordinances shall be in the words "THE CITY OF LAKE CITY DOES ORDAIN." No ordinance shall contain more than one subject, which shall be clearly explained in its title. At the time of the second reading, the council may by unanimous consent dispense with the second reading of the proposed ordinance.

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 five members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the city clerk and posted in three 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. No emergency ordinance shall be effective for a period in excess of one hundred twenty (120) days from the date of adoption.

Section 3.07. Procedure on Resolutions. Every resolution presented shall be read or stated in full before a vote is taken thereon.

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 other council members, attested by the city clerk and filed and preserved by him. Every ordinance shall be published at least once after passage in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference 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. When Ordinances and Resolutions Take Effect. Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it may specify. Every other ordinance shall take effect 10 days after publication or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Section 3.10. Amendment and Repeal of Ordinances and Resolutions. Except as provided in Section 3.06, every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof 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 symbol the matter to be omitted or added.

Section 3.11. Revision and Codification of Ordinances. The city may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the council. 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 free or 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 and is published in the official newspaper for at least two successive weeks.

#### CHAPTER 4

##### Nominations and Elections

Section 4.01. The Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each year commencing in 1975, at such place or places as the city council may designate. The city clerk shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate such election.

Section 4.02. Special Elections. The council may by resolution order a special election and provide all means for holding it. The city clerk shall give two weeks' published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.03. Procedure at Elections. Subject to the provisions of this charter and the laws of the State of Minnesota, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this charter or in ordinances adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

#### CHAPTER 5

##### Initiative and Referendum

Section 5.01. Powers Reserved by the People. The qualified electors of the City of Lake City reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt ordinances and to require an ordinance when passed by the council to be referred to the electors for approval or disapproval. These powers shall be called the initiative and the referendum.

Section 5.02. Further Regulations. The council may provide by ordinance

such further regulations for the initiative and referendum, not inconsistent with this charter, as it deems necessary.

Section 5.03. Petitions. An initiative or referendum shall be initiated by a petition signed by qualified voters of the city equal in number to 15% of those who voted at the last preceding regular municipal election. Each petition shall be sponsored by a committee of five qualified voters of the city. 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 5.06 or 5.07, as the case may be. Each petitioner 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 regarding the sufficiency of the petition.

Section 5.04. 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 thereof. Upon receiving the report of the city clerk, the council shall determine by resolution the sufficiency of the petition.

Section 5.05. 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 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 by the council 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 if it deems advisable.

Section 5.06. 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 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 the 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 a majority of the voters voting thereon favors the ordinance, it shall go into effect immediately or on the date specified therein; if a majority of the electors voting thereon vote against the ordinance, it shall be considered defeated.

Section 5.07. Referendum. Any ordinance that would be subject to the Initiative Procedure as set forth in this charter, 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 occurring in the city, or at the 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 therein; 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 during the period necessary to effect the procedures stated herein, but shall be repealed if a majority of the voters voting on the ordinance vote against the same.



## CHAPTER 6

### Administration of City Affairs

Section 6.01. General Council Powers. In addition to the authority and responsibility herein granted, the council shall have all those powers granted to it by the Constitution and laws of the State of Minnesota. The council may delegate such administrative and ministerial authority and responsibility by ordinance as it deems necessary and advisable to those departments, divisions, bureaus, boards and officers as herein authorized.

Section 6.02. Departments of Administration. The council may create such departments, divisions, bureaus and advisory boards for the administration of the city's affairs as it may deem necessary, and from time to time alter their powers and organization by ordinance. It may prepare a complete administrative code for the city and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.03. Subordinate Officers. There shall be a city clerk and such other officers having those responsibilities and duties as prescribed and created by the council by ordinance. The city clerk 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 the council may prescribe. The clerk may be designated to act as secretary of the council and also as treasurer. 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. The council may appoint such employees and agents as it may be deemed necessary for the proper operation of city affairs.

Section 6.04. Purchases and Contracts. Unless otherwise provided by ordinance, all purchases shall be made and all contracts shall be let by the council. The council may by ordinance delegate purchasing and contract powers to boards, commissions and officers as it deems necessary and advisable. All contracts, bonds and instruments of any kind to which the city is a party shall be signed by the mayor and the city clerk on behalf of the city and shall be executed in the name of the city. All contracts shall be made in compliance with the uniform contracting laws of the State of Minnesota, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. The council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

## CHAPTER 7

### Taxation and Finances

Section 7.01. Council to Control Finances. The council shall have full authority over the financial affairs of the city. It 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.

Section 7.02. Fiscal Years. Effective January 1, 1976, the fiscal year of the city shall be the calendar year, except for the municipal hospital, the fiscal year for which shall be established by ordinance.

Section 7.03. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the council shall have the full power to provide by ordinance for a system of local taxation. This authority shall include but not be limited to, the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, this charter, or other laws imposing restrictions upon the city irrespective of charter provisions.

Section 7.04. Submission of Budget. Annually the city clerk shall prepare and submit to the council estimates for the annual budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance,

by September 1st. The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as requested by law and charter, shall be in such form as the council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For each utility operated by the city, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices. The total proposed expenditure shall not exceed the total estimated income and the portion of the operated budget to be provided from the property tax shall not exceed the amounts authorized by law and charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

**Section 7.05. Council Action on Budget.** The budget shall be considered at the first regular monthly meeting of the council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. 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 purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget and the clerk shall certify the tax resolution to the county auditor in accordance with law not later than October 10th. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

**Section 7.06. Enforcement of the Budget.** The city clerk shall enforce strictly the provisions of the budget. The clerk shall not authorize any payment or the incurring of any obligation by the city unless an appropriation has been made in the budget resolution and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget resolution or for any amount in excess of the amount authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owned by the city until the claim to which it relates has been supported by an itemized bill, payroll, or timesheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

**Section 7.07. Alterations in Budget.** After the budget resolution has been adopted, the council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time the council may by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

**Section 7.08. Funds.** There shall be maintained in the city treasury a general fund and such other funds as may be required by statute, ordinance, or resolution. The council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, or as may be prohibited by state law, as it may deem necessary and appropriate.

**Section 7.09. Emergency Appropriation to Budget.** The council may include an emergency appropriation as a part of the budget but not to exceed 10% of the total budget. A transfer from the emergency appropriation to any other appropriation

shall be made only by a vote of at least five members of the council and shall be used only for the purposes designated by the council.

Section 7.10. City Indebtedness. Except as provided in Section 7.11 and 7.12, no obligation shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by law, no such obligation shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Section 7.11. Tax Anticipation Certificates. At any time after January 1st the council may issue certificates of indebtedness in anticipation of the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed 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 not later than April 1st of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued in the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

Section 7.12. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expense of the city or if any calamity or other public emergency necessitates the making of extra ordinary expenditures, the council may by ordinance issue, on such terms and in such manner as the council determines, emergency debt certificates to run not to exceed three 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 five members of the council. It may be passed as an emergency ordinance.

## CHAPTER 8

### 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 law and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total amount assessed to pay for such local improvements may not exceed the cost of the improvement, 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 Services. The council may provide by ordinance that the cost of city services to streets, sidewalks, or other public or private property may be assessed against the property benefited, and collected in like manner as are special assessments.

Section 8.03. Local Improvements Regulations. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law (or charter provisions) applicable thereto. The council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinance shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least five members of the council. In the absence of such ordinance, all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

Section 8.04. Public Works; How Performed. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract.

## CHAPTER 9

### Eminent Domain

Section 9.01. Power to Acquire Property. The city may acquire, by purchase, gift, devise, or condemnation, any property, 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. Proceedings in Acquiring Property. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to the laws of this state, except as otherwise provided in this chapter.

Section 9.03. Payment of Award. Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within 60 days of such final determination, pay the amount of the award of judgment of the court, as the case may be; and if not paid, judgment therefor may be had against the city.

Section 9.04. City May Abandon Proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings or at any time within 30 days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

## CHAPTER 10

### Franchises

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

Section 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty 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 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 a new franchise.

## CHAPTER 11

### 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, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental units. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council. Such ordinance shall not be an emergency ordinance. All public utilities owned by the city shall be under the supervision of the council.

Section 11.02. Rates and Regulations. The council may by ordinance 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 all 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 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 five 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 years.

Section 11.05. Public Utility. Hold 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 requirements of state law.

## CHAPTER 12

### Miscellaneous and Transitory Provisions

Section 12.01. Official Publications. The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Section 12.02. Oath of Office. Every elected or appointed 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 (title of office) of the City of Lake City, to the best of my judgment and ability."

Section 12.03. City Officers not to be Interested in Contracts. Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

Section 12.04. Official Bonds. The city clerk, the city treasurer, and such other officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

Section 12.05. Sales of Real Property. No real property of the city shall be disposed of except by ordinance. The proceeds of any sale of such property 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. If there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

Section 12.06. Vacation of Streets. The council may by ordinance approved by at least five members of the 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 12.07. City to Succeed to Rights and Obligations of Former City. The city shall succeed to all the property, rights and privileges, and shall be subject to all legal obligations of the city under the former charter.

Section 12.08. 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 12.09. 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 city 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 12.10. 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.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 1 8 1975  
*Paul Anderson*  
Secretary of State