

Sec. 12.10. Officers to Continue for Present Terms. All elective and appointive officers of the city holding office on the effective date of this charter shall continue in office for the terms to which they were elected or appointed, and until their successors shall have been elected or appointed and have qualified.

Sec. 12.11. 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 proceeding was begun. All assessments made by the municipality 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.

Sec. 12.12. Ordinances to Make Charter Effective. The council shall by ordinance, resolution, or other appropriate action make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Sec. 12.13. A newsletter shall be published by the city at regular intervals at least six times each year. The postal roll for the city shall be used for the distribution.

Sec. 12.14. This charter becomes effective January 1, 1980, or thirty days after adoption, whichever comes later.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 10 1980
Jean Anderson Howe
Secretary of State

#32580

WE, the undersigned, being the duly appointed, qualified and acting members of the Charter Commission in and for the city of Mounds View, Ramsey County, Minnesota, hereby certify that the foregoing document consisting of Chapters 1 through 12 inclusive, is the draft of a proposed charter prepared and framed by the Charter Commission, and we hereby affix our signatures to that draft in testimony of our approval thereof, and deliver same to Jeffrey Nelson, the city clerk of the said city, for action pursuant to law.

George W. McCarty

Mark A. Ford

Walter Steiha

Ruth J. White

Richard Dybbke

Paul M. Church

Donald C. Hodges

James M. ...

Mela B. Dellig

Wm. W. ...

Towell ...

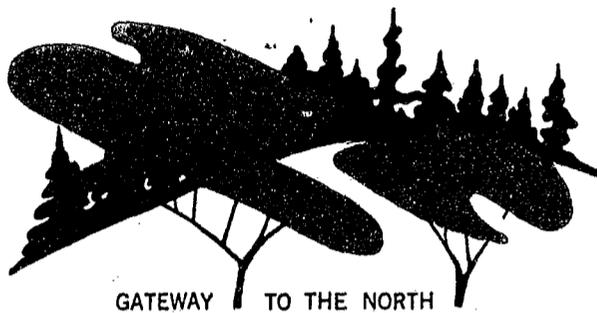
Robert Bental

Willard C. Doty

Willard C. Doty
Chairman

I, Jeffrey Nelson, clerk of the city of Mounds View, Ramsey County, Minnesota, hereby certify that the foregoing draft of a proposed charter and certificate in connection therewith was delivered to me this 15th day of October 1979.

Jeffrey Nelson
Clerk



City of Mounds View

RAMSEY COUNTY, MINNESOTA
2401 HIGHWAY 10
MOUNDS VIEW, MINN. 55112

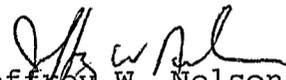
January 4, 1980

Joan Growe
Secretary of State
180 State Office Building
St. Paul, Minnesota 55155

Dear Secretary of State:

Pursuant to Minnesota Statutes 410.11 the City is required to provide you a copy of the adopted City Charter, effective the 3rd day of January, 1980.

Sincerely,


Jeffrey W. Nelson
City Administrator

JWN/rjn

Enclosure

PROCEEDINGS OF THE SPECIAL COUNCIL MEETING
CITY OF MOUNDS VIEW
RAMSEY COUNTY, MINNESOTA

Regular Meeting
December 5, 1979
Mounds View City Hall
2401 Hwy. 10, Mounds View MN 55112

The Mounds View City Council was called to order to act as the Canvassing Board for the Special Election which occurred on December 4, 1979. The meeting was called to order at 5:12 p.m. at the Mounds View City Hall.

1. CALL TO ORDER

Members Present: Mayor McCarty, Councilmembers Forslund, Rowley, Ziebarth.

2. ROLL CALL

Members Absent: Councilmember Hodges out-of-town on business. He could not attend the meeting.

Also Present: City Attorney Meyers, City Finance Director Brager, City Clerk Administrator Nelson.

Nelson presented to the Canvassing Board the results of the Special Election held on December 4, 1979. The results of the election were 2,016 cast of which 1,031 voted in favor of the proposition and 985 voted against the proposition. Precinct results:

3. REPORT ON
ELECTION RESULTS
OF THE CHARTER
ELECTION.

Precinct 1 - 155 yes
201 no

Precinct 2 - 141 yes
93 no

Precinct 3 - 210 yes
191 no

Precinct 4 - 51 yes
202 no

Precinct 5 - 125 yes
98 no

Precinct 6 - 156 yes
107 no

Precinct 7 - 193 yes
93 no

32580

Pursuant to the Minnesota Statutes 410.11 a Charter proposition to be considered adopted must pass by 51% of the votes cast on the proposition. A determination was made by the Clerk-Administrator that the proposition passed. The City Attorney advised that a determination of the undervotes should be made. The City's Finance Director explained the undervote to some detail to the Canvassing Board. The City Attorney said when determining what duties the Council as the Canvassing Board had included the authority to correct obvious errors. Certification of the elections results by the Canvassing Board commences the timing for an election contest.

The issues before the Canvassing Board are; (1) Whether or not to exclude or include the seven (7) "undervotes" to determine the election results. (2) The Canvassing Board must then certify the election results.

Mayor McCarty moved that the seven undervotes be excluded from the election results since they were not votes cast on the proposition. The definition of an undervote has described by the Secretary of State's office in it's regulations was taken in to consideration. Councilmember Forslund seconded the motion.

4 ayes
0 nays

The City Attorney advised that legal precedent has held that blank ballots and defective ballots would not be counted as votes cast on the proposition. Previous court decisions, the statutes and attorney general's opinions have indicated that blank ballots and possible defective ballots do not count in the determination of the percentage needed for passage of an issue.

Forslund moved to accept the results of the December 4, 1979 Charter proposition was adopted by 1,031 yes, 985 no for a total votes cast of 2,016 votes. The proposition passes by 51.14% in favor in the proposed Charter.

Ziebarth seconded the motion which carried.

There being no further business before the Canvassing Board. Motion made to adjourn.

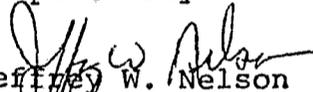
Ziebarth moved that the Canvassing Board adjourn on December 5, 1979. Rowley seconded the motion and it carried.

4 ayes
0 nays

The meeting was adjourned at 6:00 p.m.

4. ADJOURNMENT

Respectfully submitted,


Jeffrey W. Nelson
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified Clerk/Deputy Clerk of the City of Mounds View, Minnesota, hereby certify that I have carefully compared the attached and foregoing with the original thereof on file in my office, and the same is a full, true and complete copy thereof, insofar as the same relates to

CITY CHARTER OF MOUNDS VIEW, MINNESOTA

WITNESS MY HAND officially as such Clerk and the corporate seal of the City of Mounds View this 3rd day of January, 19 80.

(SEAL)

Clerk *J. J. W. Nelson*

C H A R T E R
CITY OF MOUNDS VIEW, MINNESOTA

OCTOBER 11, 1979

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HOME RULE CHARTER
OF THE
CITY OF MOUNDS VIEW

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CHAPTER I

NAME, BOUNDARIES, POWERS
AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries. The City of Mounds View, Ramsey County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established. The clerk-administrator shall keep in his/her office at least two copies of this charter with amendments, and shall maintain in each copy an accurate up-to-date description of the boundaries. The copies of the charter, amendments, and boundary descriptions shall be available for public inspection anytime during regular office hours.

Sec. 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 this charter and 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, unless otherwise provided in this charter. 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 does 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.

Sec. 1.03. Charter a Public Act. This charter shall be a public act and need not be pleaded or proved in any case.

CHAPTER 2

FORM OF GOVERNMENT

Sec. 2.01. Form of Government. The form of government established by this charter is the "Mayor-Council Plan". Except as otherwise provided by state law or this charter, all powers of the city are vested in the council.

Sec. 2.02. Boards and Commissions. There shall be no separate administrative board of health, library board, or any other administrative board or commission except for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions provided for by state law. The council may, however, establish by ordinance boards or 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.

Sec. 2.03. Council Composition and Election. The council shall be composed of a mayor and four councilmembers who shall be qualified electors and who shall be elected at large. Councilmembers shall serve for a term of four years and/or until a successor is elected and qualifies. The mayor shall serve for a term of two years and/or until a successor is elected and qualifies.

Sec. 2.04. Incompatible Offices. No member of the council shall hold any paid municipal office or employment through the city other than that to which elected. Further, until one year after the expiration of his/her term, no mayor or councilmember shall be appointed or employed by the city in a compensated position which was created, or the compensation for which was increased, during his/her term as mayor or councilmember.

Sec. 2.05. Vacancies. A vacancy in the council, whether it be in the office of mayor or councilmember, shall be deemed to exist in case of the failure of any person elected thereto to qualify, or by reason of the death, resignation in writing filed with the clerk-administrator, removal from office, non-residence in the city, conviction of a felony of any such person after his/her election, or by reason of the failure of any councilmember without good cause to attend council meetings for a period of three consecutive months. In each such case the council shall by resolution declare the vacancy to exist.

Sec. 2.06. The Mayor's Power and Duties.

Subdivision 1. The mayor shall preside at meetings of the council and shall have a vote as a member. 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, but shall have no administrative duties.

Subd. 2. Consistent with the responsibility to accept considerable leadership over the general conduct of city affairs, the mayor may study the operations of the city government and recommend desirable changes and improvements to the council. The mayor shall also deliver messages to the council and the public, including a comprehensive message on the state of the city as soon as practicable after the beginning of each year of his/her term of office.

Subd. 3. At its first meeting each year the council shall choose an acting mayor from the councilmembers. He/she shall perform the duties of mayor during the disability or absence of the mayor, or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies.

Sec. 2.07. Salaries. The mayor and councilmembers shall receive such compensation as is fixed by the council in accordance with state law. Any increases in such compensation shall not become effective until after the next municipal election. Other officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Sec. 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 the 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 city accounts of any city officer or agency, and it may provide for any survey or research study of any subject of municipal concern.

CHAPTER 3

COUNCIL PROCEDURE

Sec. 3.01. Council Meetings. The council shall meet regularly at least twice each month at such times and places as the council may designate by ordinance. The mayor or any two members of the council may call special meetings of the council upon at least twenty-four hours notice to each member, and such reasonable public notice as may be prescribed by council rule in compliance with the laws of Minnesota. The twenty-four hours notice shall not be required in an emergency. To the extent provided by law, all meetings of the council and its committees shall be public, and any citizen shall have access to the minutes and records of the council at all reasonable times. During any of its public meetings, the council shall not prohibit, but may place reasonable restrictions upon citizen's comments and questions.

Sec. 3.02. Liaison Function. Councilmembers shall be assigned as liaison to city departments. Their assignments shall be rotated periodically and shall involve no administrative responsibility.

Sec. 3.03. Rules of Procedure and Quorum. Except as otherwise provided in this charter, the council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by rule provide means by which a minority may compel the attendance of absent members in accordance with state law.

Sec. 3.04. Ordinances, Resolutions and Motions.

Subdivision 1. Except as otherwise provided in this charter or state law, an affirmative vote of three or more members of the council shall be required for the adoption of all ordinances, resolutions and motions. The votes of councilmembers on any action taken shall be recorded in accordance with state law.

Subd. 2. Except as otherwise provided in this charter, all legislation shall be by ordinance. The vote on all ordinances shall be by a roll call vote.

Subd. 3. The general administrative business of the council shall be conducted by resolution or motion.

Sec. 3.05. Procedure on Ordinances. Every proposed ordinance shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent of the council. No ordinance shall contain more than one subject. Such subject shall be clearly expressed in its title. The enacting clause shall be, "The City of Mounds View ordains". No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least fourteen days shall elapse between its introduction and final adoption.

Sec. 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 ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of available members of the city council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be adopted finally at the meeting at which it is first introduced and voted upon by the council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the provisions of an emergency ordinance until twenty-four hours after the ordinance has been adopted, filed with the clerk-administrator, and has either been posted in three conspicuous places in the city, or published as provided for in this charter, or the person charged with violation thereof had actual notice of the ordinance prior to the act or omission resulting in the prosecution.

Sec. 3.07. Signing and Publication of Ordinances. Every ordinance adopted by the council shall be signed by the mayor, and attested to, filed and preserved by the clerk-administrator. Every ordinance shall be published at least once in the official newspaper as soon as practicable, and shall be preceded by a summary of its contents. To the extent and in the manner provided by law, an ordinance may incorporate by reference the following published material, or part thereof, without publishing the material in full: (a) state laws, (b) state administrative rules or regulations, (c) state or municipal codes, or (d) municipal ordinances.

Sec. 3.08. Procedure on Resolutions. Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent of the council.

Sec. 3.09. When Ordinances and Resolutions take Effect. Every resolution and emergency ordinance shall take effect immediately upon its adoption or at such later date as it specifies. Every other ordinance shall take effect thirty days after its publication or at such later date as it specifies.

Sec. 3.10. Amendment and Repeal of Ordinances and Resolutions.

Subdivision 1. An ordinance or resolution which repeals 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 an ordinance or resolution which amends such 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. Amendment or repeal of an ordinance shall require a majority vote of all the members of the council, unless otherwise provided in this charter or by state law.

Subd. 2. An ordinance or resolution passed under the initiative power shall not be repealed or amended by the council except by submission to the voters of the question by the council at a regular municipal or special election.

Sec. 3.11. Review and Revision of Ordinances and Indexing of Resolutions.

The city shall review, revise and rearrange its ordinance code and its resolution index with such additions and deletions as may be deemed necessary by the council at least once every two years. The ordinance code and the resolution index may be published in book, pamphlet, or loose-leaf form, and copies shall be made available

by the council at the office of the clerk-administrator for general distribution to the public for a reasonable charge. Incorporation in such a code shall be a sufficient publication of any ordinance provision not previously published, if a notice is placed in the official newspaper for at least two successive weeks that copies of the codification are available at the office of the clerk-administrator.

CHAPTER 4

NOMINATIONS AND ELECTIONS

Sec. 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 even numbered year commencing in 1980 at such places as the city council shall designate. At least fifteen days prior notice shall be given by the clerk-administrator by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this charter shall assume the duties of office to which they were elected on the first business day in January following such election.

Sec. 4.02. Filing for Office. No earlier than forty-two days nor later than twenty-eight days before any municipal election, any resident of the city qualified under state law for elective office may, by filing an affidavit and by paying a filing fee to the clerk-administrator in an amount as set by ordinance, have his/her name placed on the municipal election ballot.

Sec. 4.03. Procedure at Elections. Consistent with the provisions of 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.

Sec. 4.04. Special and Advisory Elections except for Elected Office. The council shall by resolution order a special or advisory election and provide all means for holding it. At least fifteen days prior notice shall be given by the clerk-administrator by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. Failure to give such notice shall not invalidate such election.

Sec. 4.05. Vacancy of Municipal Elected Office.

Subdivision 1. When a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within ninety days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.

Subd. 2. The clerk-administrator shall give at least sixty days published prior notice of such special election, except as set forth under subd. 5 of this section.

Subd. 3. The procedure at such election and assumption of duties of elected officers following such election shall conform as nearly as practicable to that prescribed for other municipal elections under this charter.

Subd. 4. In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall by a majority vote appoint a successor to serve for the remainder of said term. In the case of a tie vote of the council, the mayor shall make said appointment.

Subd. 5. When a vacancy in an elected municipal office occurs within 120 days

prior to a regular municipal election date, the special election to fill the vacancy shall coincide with the regular election. If the vacancy occurs within sixty days prior to the regular election date, the notice of such vacancy shall be published as soon as is practicable. If, within the 120 day period before a regular municipal election, the vacancy occurs in the office of the mayor or in the office of either or both of the councilmembers whose seats are to be decided in the election, said vacancy shall be considered not to exist for purposes of the election. However, if such vacancy occurs in the office of either of the other two councilmembers, the seat shall be filled by the candidate for councilmember with the third highest vote total, or, in the case of two vacancies, the third and fourth highest vote totals. Where two vacancies exist, the candidate with the third highest total shall fill the vacancy in the office having the longest unexpired term.

Subd. 6. If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the city council shall fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment.

CHAPTER 5

INITIATIVE, REFERENDUM AND RECALL

Sec. 5.01. Powers Reserved by the People. The people of Mounds View reserve to themselves the powers in accordance with the provisions of this charter to initiate and adopt ordinances and resolutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Sec. 5.02. General Provisions for Petitions. A petition provided for under this chapter shall be sponsored by a committee of five registered voters of the city

whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each separately circulated paper shall contain at its head, or attached thereto, the information specified in sections 5.05, 5.07 or 5.08 which apply, respectively, to initiative, referendum and recall. Each signer shall be a registered voter of the city and shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate by the circulator, verified by oath, that each signature appended thereto was made in his/her presence and that the circulator believes them to be the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city and registered to vote. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the clerk-administrator before said clerk-administrator advises the council of the sufficiency of the petition.

Sec. 5.03. Determination of Sufficiency. The committee shall file the completed petition in the office of the clerk-administrator. The required number of signers shall be at least fifteen percent for initiative and referendum, and for recall, at least twenty-five percent of the total number of electors who cast their votes for president at the last presidential election. Immediately upon receipt of the petition, the clerk-administrator shall examine the petition as to its sufficiency and report to the council within ten days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

Sec. 5.04. Disposition of Insufficient or Irregular Petition. If the council determines that the petition is insufficient or irregular, the clerk-administrator shall deliver a copy of the petition, together with a written statement of its defects,

to the sponsoring committee. The committee shall have thirty days in which to file additional signature papers and/or to correct the petition in all other particulars, except that, in the case of a petition for recall, the committee may not change the statement of the grounds on which the recall is sought. Within five days of receipt of the corrected petition, the clerk-administrator shall again report to the council. If the council finds that the petition is still insufficient or irregular, the clerk-administrator shall file the petition in his/her 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 subject matter of the petition to the voters at the next regular or special election.

Sec. 5.05. Initiative. Any ordinance or resolution 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 or resolution. If the council passes the proposed ordinance or resolution with amendments, and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the clerk-administrator within ten days of its passage by the council, the ordinance or resolution need not be submitted to the voters. If the council fails to enact the ordinance or resolution in a form acceptable to the majority of the sponsoring committee within sixty days after the final determination of sufficiency of the petition, the ordinance or resolution as originally proposed 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 or resolution to be held within such period. If a majority of those voting on the ordinance or resolution vote in its favor, it shall become effective thirty days after adoption unless the ordinance or resolution specifies a later effective date.

Sec. 5.06. Initiative to Amend the Charter. Nothing in this chapter shall be construed as in any way affecting the right of the electors to propose amendments to this charter.

Sec. 5.07. Referendum. Prior to the date when an ordinance or resolution takes effect, it may be subjected to referendum by a petition which shall state at the head of each page, or attached thereto, the exact text of the measure to be considered by the electorate. If the petition is found to be sufficient under the provisions of section 5.03 of this chapter, the said ordinance or resolution shall thereby be prevented from going into operation, and the subject matter of the petition 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 to be held within such period, providing the petition has been found to be sufficient. If a majority of the voters voting thereon favors the ordinance or resolution contained in the petition, it shall remain in effect. If a majority of the electors voting thereon votes against the ordinance or resolution contained in the petition, it shall be considered repealed upon certification of the election results.

Sec. 5.08. Recall. Consideration by the electorate of the recall of any elected officer of the city may be initiated by petition. The petition shall state at the head of each page, or attached thereto, a certificate stating the name of the officer whose removal is sought, the grounds for recall, which shall be malfeasance, misfeasance or nonfeasance in office, in not more than 250 words, and the intention of the sponsoring committee to bring about the officer's recall. Such petition shall be filed in the clerk-administrator's office prior to circulation. If the petition or amended petition is found sufficient under the provisions of section 5.03 of this chapter, the clerk-administrator shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition

and of the pending action. The council shall at its next meeting, by resolution, provide for the holding of a special recall election within ninety days after such meeting, except if any other election is to occur within such ninety day period after such meeting, the council may in its discretion provide for the holding of the recall vote at that time. The clerk-administrator shall include with the published notice of the election the statement of the grounds for the recall and, also, in not more than 500 words, the answer of the officer concerned in justification of his/her course of office. If a vacancy occurs due to recall election, section 4.05 herein shall apply to fill said vacancy.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Sec. 6.01. Administrative Responsibility. The council, as a body, shall be responsible for the administration of the city. The council shall appoint an administrative officer to assist in the administration of city affairs. For purposes of reference in this charter, this administrative officer shall be referred to as the clerk-administrator.

Sec. 6.02. Administrative Organization.

Subdivision 1. 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.

Subd. 2. The city council shall hire heads of departments, and such other and further officers and personnel as may be required to operate the city efficiently. The city council shall determine the qualifications thereof and prescribe the duties to be performed by each, except as otherwise prescribed in this charter.

Subd. 3. The heads of departments and other officers designated by the council shall report in person to the council and to the public at least once each quarter at a regularly scheduled council meeting.

Sec. 6.03. Duties of the Clerk-Administrator.

Subdivision 1. The duties of the clerk-administrator of the municipality shall include the duties of the clerk in a statutory city. The clerk-administrator shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, certify to the county auditor all appointments and the results of all municipal elections. The clerk-administrator shall also have the duties set forth in the following subdivisions:

Subd. 2. The clerk-administrator shall keep a minute book, noting therein all proceedings of the council.

Subd. 3. The clerk-administrator shall keep an ordinance book in which he/she shall record in their entirety all ordinances passed by the council.

Subd. 4. The clerk-administrator shall keep an account book in which he/ she shall enter all money transactions of the municipality, including the dates and amounts of all the receipts, and the person from whom the money was received, and all orders drawn upon the treasurer with their payee and object.

Subd. 5. Ordinances, resolutions and claims considered by the council need not be given in full in the minute book if they appear in other permanent records of the clerk-administrator, and can be accurately identified from the description given in the minutes. The clerk-administrator shall act as the clerk and bookkeeper of the municipality, shall be the custodian of its seal and records, shall sign its official

papers, shall post and publish such notices, ordinances and resolutions as may be required, and shall perform such other appropriate duties as may be imposed upon him/her by the council. For certified copies and for filing and entering, when required, papers not relating to municipal business, he/she shall receive the fees allowed by state law to town clerks; but the council may require the clerk-administrator to pay such fees to the municipal treasury. With the consent of the council, he/she may appoint a deputy for whose acts he/she shall be responsible and whom he/she may remove at pleasure. In case of the clerk-administrator's absence from the municipality or disability, the council may appoint a deputy clerk-administrator, if there is none, to serve during such absence or disability. The deputy may discharge any of the duties of the clerk-administrator.

Subd. 6. The clerk-administrator shall supervise the administration as provided by this charter and council action.

Subd. 7. The clerk-administrator shall prepare reports and summaries relating to contemplated municipal projects and/or improvements, and submit them with recommendations, as may be required, to the council for study and subsequent action.

Subd. 8. The clerk-administrator shall prepare an annual fiscal budget and capital improvement plan for submission to the council. He/she shall maintain financial guidelines for the municipality within the scope of the approved budget and capital program.

Subd. 9. The clerk-administrator shall prepare the annual financial statement and such other statements that are required by statute.

Subd. 10. The clerk-administrator shall attend all council meetings and provide input to the council. He/she may attend at his/her discretion, or by invitation, other committee and commission meetings.

Subd. 11. The clerk-administrator shall supervise municipal employees, programs and activities, unless otherwise directed by the council.

Subd. 12. The clerk-administrator shall submit periodic reports to the council on the financial condition of the municipal accounts.

Subd. 13. The clerk-administrator shall supervise the conduct of local elections in accordance with the prescribed laws and regulations.

Subd. 14. The clerk-administrator shall advise the council in decisions affecting the employment or removal of department heads and appointed officials.

Subd. 15. The clerk-administrator shall work in cooperation with the council's appointed attorney and engineer.

Subd. 16. The clerk-administrator shall prepare news releases and develop and discuss public relations material with all concerned as required. He/ she shall maintain good public relations with the general public.

Subd. 17. The clerk-administrator shall consult, unless otherwise directed by the council, with appointed officials and with other public or private agencies as may be required.

Subd. 18. The clerk-administrator shall be fully informed regarding federal, state and county programs which affect the municipality.

Subd. 19. The clerk-administrator shall advise the council on the terms and conditions of employee labor contracts for presentation to the council.

Subd. 20. The clerk-administrator shall prepare an annual report to inform the public about the financial condition of the city.

Subd. 21. The clerk-administrator shall perform all other duties required of him/her by the council.

Sec. 6.04. City Treasurer. The council shall appoint a treasurer. This office shall be separate from that of the clerk-administrator. The duties of

the treasurer shall be as specified by state law for the treasurer in a statutory city.

CHAPTER 7
TAXATION AND FINANCES

Sec. 7.01. Council to Control Finances. The council shall have full authority over the financial affairs of the city except as limited or prohibited by the state constitution, state laws, or this charter. It shall provide for the collection of all revenues and other assets, and the auditing and settlement of accounts. It shall further provide for the safekeeping and disbursement of public moneys by the city treasurer.

Sec. 7.02. Fiscal Year. The fiscal year of the city shall be the calendar year.

Sec. 7.03. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the council shall have full power to provide by ordinance for a system of local taxation. This authority includes 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, by this charter or by state laws imposing restrictions upon the city irrespective of charter provisions.

Sec. 7.04. Submission of Budget.

Subdivision 1. Annually the clerk-administrator shall submit to the council the budget estimates in accordance with a budget calendar to be established by resolution. The budget shall provide a complete financial plan for all city funds

and activities for the ensuing fiscal year and except as required by state law or this 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 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. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state law and this charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by state law.

Subd. 2. For each utility operated by the city, its 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.

Sec. 7.05. Long-term Financial Plan.

Subdivision 1. The city council shall have prepared a long-term financial plan commencing in the calendar year 1980. The city council shall hold a public hearing on the long-term financial plan and adopt it by ordinance with or without amendment. The financial plan shall consist of four elements as specified in subdivisions 2 - 5 which follow.

Subd. 2. The Public Service Program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the city. It shall measure the objectives and needs for each city department, the standard of services desired, and the impact of each such

service on the annual operating budget.

Subd. 3. The Capital Improvement Plan. This program shall consist of projects and facilities that are or will be needed by the city in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimate, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process.

Subd. 4. A long-term Revenue Program. This program shall consist of a tentative revenue policy which describes long-term plans for financing public services and capital improvements.

Subd. 5. The Capital Budget. This program shall be a summary on the basis of a five year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Sub. 6. A summary of the long-term financial plan shall be published in the city newsletter annually.

Sec. 7.06. Council Action on Budget.

Subdivision 1. 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 by a resolution that 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-administrator shall certify the tax resolution to the county auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution of the several purposes named.

Subd. 2. At least two weeks before the budget is adopted for the ensuing fiscal year, a summary shall be given in the city newsletter, in draft form, of the budget. Such summary shall be set forth in language designed to be readily understood by the layperson, and shall provide appropriate supporting information as to the necessity for any increase in the budget over the total for the current fiscal year, but failure to provide the specified summary will not invalidate the budget.

Sec. 7.07. Enforcement of the Budget. The city council shall enforce strictly the provisions of the budget. It 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 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 time sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

Sec. 7.08. Alterations in the 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 anytime 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.

Sec. 7.09. Funds. There shall be maintained in the city treasury a general fund and such other funds as may be required by state law, ordinance, or resolution. The council may, by resolution or ordinance, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

Sec. 7.10. City Indebtedness.

Subdivision 1. Except as provided in sections 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 state 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 state law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Subd. 2. A description of each such proposed issue shall be published in the city newsletter, but failure to give such description, or any defect in the description, shall not invalidate the issue.

Sec. 7.11. Anticipation Certificates. At anytime after January 1, the council may issue certificates of indebtedness in anticipation of state and federal aids and 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 90% of the total state and federal aids and current taxes due to the fund and 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 1 of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated 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.

Sec. 7.12. Emergency Debt Certificates.

Subdivision 1. If in any year the receipt from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary 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 the issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least three members of the council. It may be passed as an emergency ordinance.

Subd. 2. A description of each such proposed certificate shall be published in the city newsletter, but failure to give such description, or any defect in the description, shall not invalidate the certificate.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Sec. 8.01. Power to make Improvements and Levy Assessments. The city may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

Sec. 8.02. Effective Charter Provisions. Local improvements (the term "local improvement" shall mean a public improvement financed partly or wholly from special assessments) shall be carried out exclusively under the provisions of this charter.

Sec. 8.03. Local Improvement Ordinances and Regulations. Within 90 days after this charter goes into effect, the council shall enact suitable ordinance(s) governing local improvements and special assessments. The ordinance(s) shall provide a complete working code covering the determination of assessments and assessment

districts, public hearings, appeals from a collection of assessments, penalties for delinquency in making payments, financing of said assessments, and the certifying of unpaid assessments for collection by the proper county officer. Said ordinance(s) shall also provide for installment payments and notices to be given thereof, appellate procedure, re-assessment, if necessary, and all other matters appropriate to the subject of local improvements and assessments. After the adoption of such ordinance(s) providing for local improvements, all procedures in compliance therewith shall conform to the regulations as set forth in such ordinance(s) and as otherwise contained in this charter.

Sec. 8.04. Procedure.

Subdivision 1. All improvements to be paid for by special assessments against the benefited property shall be instituted by either, (1) the petition of at least twenty-five percent in number of the benefited property owners together with a resolution adopted by an affirmative vote of the majority of all of the council, or, (2) a resolution adopted by a four-fifths affirmative vote of all of the council. The council resolution shall state the nature and scope of the proposed improvement, and shall provide means to obtain a cost estimate which shall set forth the cost of the improvement both in unit price and in total thereof. Upon receipt of such estimate, the council shall by resolution set a date for a public hearing on the proposed improvement, setting forth therein the time, place and purpose of such hearing. Such resolution shall be described in the city newsletter and published twice at least one week apart in the official newspaper of the city no less than two weeks prior to the date of said hearing, and in addition thereto, a copy of such resolution including estimated unit prices and estimated total price thereof shall be mailed to each benefited property owner at his/her last known address at least two weeks prior to the date of said hearing.

Failure to give mailed notice, or any defects in the notice, shall not invalidate the proceedings. At such hearing the city council shall receive any written and oral statements, and hear any petitioners for or against the proposed improvement. A period of sixty days shall elapse after the public hearing before any further action shall be taken by the council on the proposed improvement. If within such sixty day period, a petition against such improvement be filed with the council, signed by a majority of the owners proposed to be assessed for the improvement, or, when the improvement has been petitioned for, signed by a number of the owners proposed to be assessed for such improvement at least equal to the number of those who petitioned for the improvement, the council shall not make such improvement at the expense of the property benefited, unless, in the meantime, there be filed with the council a petition asking that the improvement be made, signed by property owners proposed to be assessed for such improvement at least equal in number to those who signed the petition against the improvement; in which event the council may disregard the petition against the improvement. Any person whose name appears on a petition to the council for a local improvement, or on a petition to the council against a local improvement, may withdraw his/her name by a statement in writing filed with the council before such petition is presented to the council.

Subd. 2. Regardless of the provisions in subd. 1, when less than 100 percent of the estimated cost of a proposed local improvement is to be paid for by special assessment, within the sixty day period after a public hearing has been held on the proposed improvement, a petition may be filed with the council, signed by a majority of the number of electors who voted for mayor in the last regular municipal election, protesting against either the improvement, or the assessment formula, or both. In this event, the council shall not proceed with the improvement, as proposed.

Subd. 3. When a proposed improvement is allowed under the foregoing subdivisions, the council may proceed at anytime between sixty days and one year after the public

hearing on the improvement. However, no contract shall be let in the event that the current proposed contract exceeds the estimated cost by more than ten percent.

Subd. 4. When a proposed improvement is disallowed under the foregoing subdivisions, the council shall not vote on the same improvement within a period of one year after the public hearing on said improvement.

Sec. 8.05. 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 property benefited and may be collected in the same manner as special assessments. Such costs shall not be deemed to be "special assessments" for the purposes set forth in section 8.03 of this chapter.

CHAPTER 9

EMINENT DOMAIN

Sec. 9.01. Acquisition of Property. The city may acquire by purchase, gift, condemnation, or otherwise, any real property, either within or without its boundaries, that may be needed by the city for any public purpose. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minnesota law, Chapter 117, or other applicable laws.

CHAPTER 10

FRANCHISES

Sec. 10.01. Except as otherwise provided by state 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. No exclusive franchise shall be granted unless the proposed ordinance is submitted to the voters of the city following a public hearing and approved by at least a majority of those voting thereon. 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-administrator to guarantee publication before the ordinance is passed.

Sec. 10.02. Term. No perpetual franchise or privilege shall be created, nor shall any exclusive franchise or privilege be granted for a period of more than twenty-five years.

Sec. 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 city newsletter and in the official newspaper not less than ten days prior to the date of the hearing.

Sec. 10.04. Power of Regulation Reserved. Subject to any applicable state 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 state or municipal law, or regulation, or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Sec. 10.05. Renewals or Extensions. Every extension, renewal, or modification of any existing franchise, or of any franchise granted thereafter, 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

Sec. 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 both. It may construct all facilities reasonably needed for that purpose, and may acquire any existing utility properties so needed; but such action may only be taken by ordinance, which shall not be an emergency ordinance. The operation of all public utilities owned by the city shall be under the supervision of the city council.

Sec. 11.02. Rates and Finances. The council may by ordinance fix rates, fares and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. The council shall endeavor to make each municipal utility financially self-sustaining. Before any rates, fares or prices for municipal utilities shall be fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.06 of this chapter. The council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Sec. 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. Before such rates are fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.06 of this chapter.

Sec. 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 not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Sec. 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 said sale or other disposition thereof, together with the price to be paid therefore, shall be embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election. Before such ordinance is submitted to a vote, the council shall hold a public hearing on the matter in accordance with section 11.06 of this chapter.

Sec. 11.06. Notice of Public Hearing. Notice of public hearing required by this chapter shall be published at least once in the official newspaper and in the city newsletter at least ten days prior to the date of the hearing. Additional notice of such public hearing may be given in such manner as the council may determine.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

Sec. 12.01. Official Publication. 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 and

this charter 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.

Sec. 12.02. Oath of Office. Every officer of the city shall, before entering upon the duties of his/her 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 (mayor, councilmember, clerk-administrator, etc.) of the City of Mounds View to the best of my judgment and ability".

Sec. 12.03. City Officers Not to be Interested in Contracts. Except as otherwise permitted by state 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.

Sec. 12.04. Official Bonds. The clerk-administrator, 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/her 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/her official duties. This corporate surety bond may be in the form of either individual or blanket bonds at the discretion of the council. They shall be approved by the council, and approved as to form by the city attorney, and filed with the clerk-administrator. The premiums on the bonds shall be paid by the city.

Sec. 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.

Sec. 12.06. Vacation of Streets. The council may by ordinance vacate any street or alley or other public grounds or part thereof within the city. Such vacation may be made only after published notice in the official newspaper and an opportunity for affected property owner 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 procedure shall be filed in accordance with law.

Sec. 12.07. 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 Mounds View operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Mounds View, and shall be construed as supplementary to the provisions of this charter.

Sec. 12.08. 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.

Sec. 12.09. Existing Ordinances and Resolutions Continued. All ordinances, resolutions and regulations of the municipality 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.