

CITY OF ELY

209 E. Chapman St.
Ely, Minnesota 55731

September 14, 1984

Secretary of State's Office
State Office Building
Room 180
St. Paul, Minnesota 55155

Attention: Joe Mansky

Dear Mr. Mansky:

Per our telephone conversation of September 13th, enclosed please find proposed city charter amendments, which were placed on a ballot in the September 11th primary election. The charter amendments were passed by the vote of YES: 746, NO: 669.

We are requesting proper procedure in filing new amendments with the State of Minnesota, to our former charter.

Please inform us of proper procedure.

Thank you.

Cordially,

Patricia Walling
for Art Murphy
Clerk-Treasurer
City of Ely

AM/pw

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 24 1984
Joan Anderson
Secretary of State

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ST. LOUIS
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 17 1984
Joan Anderson
Secretary of State

PROPOSED CITY CHARTER

ELY, MINNESOTA

August 6, 1984

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Chapter 1
Name, Boundaries, Powers, and General Provisions

Section 1.01 Name and Boundaries.

The city of Ely, St. Louis 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.

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 does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers vested in the city council.

Chapter 2
Form of Government

Section 2.01 Form of Government.

The municipal government provided by this charter shall be known as the Mayor-Council plan of government. Subject only to the limitations imposed by the constitution or statutes of the State of Minnesota and by this charter, all powers of the city except as otherwise provided in this charter shall be vested in a mayor and elective officials hereinafter referred to as THE COUNCIL which shall enact local legislation, adopt budgets and determine policies. THE COUNCIL may create such departments, divisions, bureaus, commissions, and boards for the administration of the city's affairs as it may deem necessary for efficient government, and from time to time may alter the power and organization of such departments, divisions, bureaus, commissions, and boards as THE COUNCIL may create.

Section 2.02 Council Composition and Election.

THE COUNCIL shall be composed of a mayor and six councilors who shall be qualified electors and who shall be elected at large. Each councilor shall serve for a term of three years and until his successor is elected and qualifies. Two councilors shall be elected in each year, and a mayor every third year.

Section 2.03 Incompatible offices.

No member of THE COUNCIL shall be appointed to any paid appointive office or employment under the city which was created or the compensation for which was increased during his/her term as councilmember until one year after the expiration of his/her term.

Section 2.04 Vacancies.

An elective office becomes vacant when the person elected or appointed thereto dies or fails to qualify before taking office, or the incumbent dies, resigns in writing filed with the city clerk, is convicted of a felony, ceases to reside in the city, or is adjudged incompetent by a court of competent jurisdiction. In each such case THE COUNCIL shall, by resolution, declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy.

2.05 The mayor.

The mayor shall preside at meetings of THE COUNCIL and shall have a vote as a member. THE COUNCIL shall choose from its members an acting mayor, who shall serve in the mayor's absence and in case of the mayor's disability. The mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for purposes of martial law.

Section 2.06 Salaries.

THE COUNCIL shall set their own salaries, which must be approved by a majority of the voters voting in the next general election. If approved by the voters, the new salary will take effect the following January 1st. No elected official shall receive any fringe benefit at the city's expense.

Section 2.07 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 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 of any subject of municipal concern.

**Chapter 3
Council Procedure**

Section 3.01 Council meetings.

THE COUNCIL shall meet regularly at least twice each month at such times and places as they may designate by rule. Any four members of THE COUNCIL may call special meetings of the Council upon at least 24 hours notice to each member and such reasonable public notice as may be prescribed by council rule in compliance with the laws of Minnesota.

Section 3.02 Secretary of council.

The city clerk-treasurer shall act as secretary of THE COUNCIL. He/she shall keep a journal of council proceedings and perform such other duties as this charter or THE COUNCIL may require. THE COUNCIL may designate any other city official or employee to act as secretary.

Section 3.03 Rules of procedure and quorum.

THE COUNCIL shall determine its own rules and order of business. A majority of all members shall constitute a quorum. THE COUNCIL may, by rule, provide a means by which a minority may compel the attendance of absent members.

Section 3.04 Ordinances, resolutions, and motions.

Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of council members on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this charter, an affirmative vote of a majority of all members of THE COUNCIL shall be required for the adoption of all ordinances and resolutions.

Section 3.05 Procedure on ordinances.

Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The city of Ely ordains..." To enact an ordinance, the proposed ordinance shall be read at two regular sessions of THE COUNCIL. The second reading shall be by sections; at this time amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one. Any proposed ordinance, after its first reading and before its second reading, shall be published in the official newspaper of the city.

Section 3.06 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.

Section 3.07 Signing and publication of ordinances and resolutions.

Every ordinance or resolution passed by THE COUNCIL shall be signed by the mayor, attested, filed, and preserved by the city clerk. Every ordinance shall be published at least once in the official newspaper.

Section 3.08 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 specifies. Every other ordinance shall take effect 30 days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption or at such later date as it specifies.

Section 3.09 Amendment and repeal of ordinances and resolutions.

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

Section 3.10 Revision and codification of ordinances.

The city may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code must 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 for a reasonable charge. Publication in such a code shall be sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two 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 1984 at such place or places as THE COUNCIL may designate. The city clerk shall give at least two weeks published notice of the time

and place of holding such an election and of the officers to be elected, but failure to give such notice shall not invalidate the election.

Section 4.02 Special elections.

THE COUNCIL may, by resolution, order a special election and provide all means for holding it. The clerk shall give at least two weeks published notice of a special election. The procedure at such an election shall conform as nearly as possible to that prescribed for other city elections.

Section 4.03 Filing for office.

No earlier than 45 days nor later than 15 days before the municipal election, any voter of the city qualified under the state constitution for elective office may by filing an affidavit and paying a filing fee of \$5.00 to the city clerk, have his/her name placed on the municipal primary ballot or, if there is no primary election, on the municipal election ballot.

Section 4.04 Procedure at elections.

Subject to this charter and applicable state laws, THE COUNCIL may, by ordinance, further regulate the conduct of municipal elections. Except as otherwise provided for by this charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

**Chapter 5
Initiative and Referendum**

Section 5.01 General voter authority.

The voters of the city shall have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as the initiative and referendum.

Section 5.02 Petitions.

An initiative or referendum shall be initiated by a petition signed by registered voters of the city equal in number to 20 percent of those who voted for mayor in the last preceding city election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain, at its head or attached to it, the statement required by Section 5.05 or 5.06, as the case may be. Each signer shall sign his/her name and give his/her 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/her name by a statement in writing filed with the city clerk before the clerk advises THE COUNCIL of the sufficiency of the petition.

Section 5.03 Determination of sufficiency.

Immediately upon receipt of the petition, the city clerk shall examine the petition as to its sufficiency and report to THE COUNCIL within 20 days. Upon receiving the report, THE COUNCIL shall determine, by resolution, the sufficiency of the petition.

5.04 Disposition of insufficient petition.

THE COUNCIL determines that the petition is insufficient or irregular, the city clerk deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 30 days in which to file additional signature papers and to correct the petition in all other particulars. If, at the end of that period, **THE COUNCIL** finds that the petition is still insufficient or irregular, the city clerk shall file the petition in his/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 ordinance to the voters at the next regular or special election at the option of **THE COUNCIL**.

Section 5.05 Initiative.

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

Section 5.06 Referendum.

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

Chapter 6 Administration of City Affairs

Section 6.01 Administrative officers & general provisions.

At its first regular meeting in January, in each even numbered year, **THE COUNCIL** shall appoint the following administrative officers: city clerk-treasurer, city assessor, superintendent of water & light, and superintendent of public works. At the same meeting they shall approve a police chief, selected by the police commission according to their regulation and requirements, and a fire chief, elected by the Ely Volunteer Fire Department according to their policies. Each administrative officer shall be appointed for a term of two years, and each shall be appointed solely on the basis of merit and fitness for

ried duties. THE COUNCIL shall fix such compensation for each administrative officer will secure competent and faithful performance of the duties thereof. THE COUNCIL shall have the power to authorize the appointment or employment of such deputies, assistants, or other personnel as the proper management of each administrative office may require.

Section 6.02 City Clerk-Treasurer, Powers & Duties.

The city clerk-treasurer shall have clerking and accounting experience or such other experience as the appointing council might deem equivalent. The city clerk treasurer shall keep the corporate seal of the city and all papers and records thereof, except as herein otherwise provided. He/she shall attend all meetings of THE COUNCIL and keep a record of all proceedings thereof and shall be the sole purchasing agent of the city. The clerk-treasurer shall maintain a system which will give him/her control over all purchases by all departments in the city. He/she shall draw, sign, and issue all orders on municipal funds as directed by THE COUNCIL and shall keep a full and accurate account of the orders so drawn by him/her on the various city funds and books provided for that purpose. Said books shall show to whom and for what purpose the same are drawn. The clerk-treasurer shall attest to the signature of the mayor to all contracts and affix the seal of the city thereto and deliver the same to the proper officer or party. He/she shall keep regular books of accounts which shall show at all times the precise financial conditions of the city and the various departments thereof, a record of all bonds, orders, warrants or other evidence of indebtedness which have been redeemed and the amount of each outstanding.

Said books shall contain separate accounts for the various funds of the city and the amount, date and purpose of each appropriation made by THE COUNCIL and all payments made on account of the same. He/she shall have the supervision over all printing and publication ordered by THE COUNCIL or required under this charter and shall cause to be published in the official paper the minutes of all proceedings of THE COUNCIL as soon after each meeting as practicable after their final passage, and shall perform such duties as may be required of him/her by the laws of this state or by THE COUNCIL.

The city clerk-treasurer shall cause a summary of such financial statement to be published once in a legal and qualified newspaper within the city of Ely prior to March 15th of each year.

He shall also prepare a monthly statement of outstanding debts, including certificates of indebtedness, bills payable, warrants, and the bonded debt and date of maturity thereof, and any other information that may be necessary to show the true financial condition of the city of Ely.

The city clerk-treasurer shall receive and safely keep all money belonging to or accruing to the city and its departments. He/she shall be the custodian of all bonds, certificates of indebtedness or other securities held by the city or its departments. Upon receipt of any money he/she shall credit it to the various funds which THE COUNCIL or this charter shall have established. Such money shall be deposited daily in the name of the city to the order of the city clerk-treasurer in depositories designated by THE COUNCIL. Upon an authorized order, properly drawn and countersigned, the city clerk-treasurer shall pay out money of the city and its departments. Records shall be kept of all receipts and disbursements and, each month, a statement shall be submitted to THE COUNCIL revealing the amounts received and disbursed in each fund and the balance of such funds. Records of bonds and coupons paid and unpaid, and a file of those cancelled and paid shall be maintained by the city clerk-treasurer. The city clerk-treasurer shall be a full time officer of the city and during this term shall hold no other employment or engage in any other business or profession during regular city office hours.

Section 6.03 City Attorney, Powers and Duties.

The city attorney shall be the chief legal officer of the city. It shall be his/her duty, when necessary, to appear in and conduct all civil suits and legal proceedings in which the city or any department thereof shall be directly or indirectly interested, when necessary, to take charge of and conduct prosecutions for the violations of all ordinances, resolutions, or regulations of THE COUNCIL or any commission or officer of the city; to give written legal opinions or advice on any matters respecting their official duties or municipal affairs; to perform such duties consistent with his/her office as may be required by THE COUNCIL; and such further duties as may be imposed by law on city attorneys. No special or assistant attorney shall be employed by any department of the city without the request of the city attorney and prior approval of THE COUNCIL. THE COUNCIL may make such provisions for clerical assistance for such city attorney as it may deem necessary.

Section 6.04 The City Assessor, Powers & Duties.

The city assessor shall meet the qualifications for an assessor as provided for in applicable Minnesota Statutes. The city assessor shall make a fair and equitable valuation of all taxable property in the city, according to the tax laws of the State of Minnesota. Assessments may be revised, in the interest of fairness, by the Board of Equalization of THE COUNCIL established in accordance with the laws of this state. The assessor shall perform such duties as may be requested by the Laws of the State of Minnesota or THE COUNCIL.

Section 6.05 Purchases and contracts.

All city purchases and contracts shall be made or let by the city clerk with the approval of the purchasing committee when the amount involved does not exceed \$1,000.00. Any purchases above \$1,000.00 and up to \$15,000 shall require two or more sealed quotes. Amounts above \$15,000.00 will require sealed bids. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. 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. THE COUNCIL may, by ordinance, adopt further regulations for the making of bids and the letting of contracts.

Section 6.06 Removal of officers of the City.

Any administrative officers of the city, or any or all members of any commission of the city, may be removed from office by the affirmative vote of a majority of the members of THE COUNCIL. No such officer shall be so removed except for just cause, nor unless he/she has first been furnished with a written copy of the charges against him/her and has had reasonable opportunity to be heard, in person or by legal council, in his/her own defense.

**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, with the exception of the utilities revenues. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public monies.

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

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 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 laws imposing restrictions upon the city, irrespective of charter provisions.

Section 7.04 Submission of Budget.

Annually the city clerk shall submit his/her recommended budget to THE COUNCIL by September 1.

The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as required by law or charter, shall be in such form as THE COUNCIL deems desirable. 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 for 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; subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices. The total proposed operation budget, to be provided from the property tax, shall not exceed the amounts authorized by law and this 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 10. 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 clerk-treasurer shall enforce strictly the provisions of the budget. He/she 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 sufficient unexpended balance left 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

pt 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, time-sheet, or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

Section 7.07 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 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, a public utility fund, and such other funds as may be required by statute, ordinance, or resolution. THE COUNCIL may, by ordinance or resolution provided that nothing contained herein shall prevent them from transferring from the general fund, aid and help any other fund at such times as in its judgment serves the best interest of the city, but THE COUNCIL shall not have the power to permanently transfer from any other fund except the general fund.

Section 7.09 Public Utilities Fund.

The public utilities fund shall [be to] provide for the support and maintenance of any plant owned or operated by the city for furnishing to the city or its inhabitants heat, light, water, and waste water treatment, and [of] paying the cost of the purchase, construction, extension, operation, maintenance, and repair of such heat, light, water, and waste water treatment plants.

Into this fund shall be put and credited: all monies derived from the sale of property acquired for or used in connection with any utility plant of the city; the proceeds of all special assessments levied on account of or in connection with such heat, light, water, and waste water treatment plant; such amounts as may be from time to time realized from the sale of bonds or certificates of indebtedness issued on account of said plant; all monies received from the sale of said plant and heat, light, water, and waste water treatment rentals and penalties, and monies derived from water assessments.

Section 7.10 City Indebtedness.

Except as provided in Sections 7.10 and 7.11, no obligations shall be issued to pay current expenses. No bonds shall be issued unless the issuance thereof is authorized by a resolution passed by a majority vote of all members of THE COUNCIL and approved by a majority of the voters at a general or special election. Bonds shall be issued within the limits and according to the procedure provided by state law.

Section 7.11 Anticipation certificates.

At any time 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 the total of state

ederal aids and current taxes due to the fund and uncollected at the time of issuance. h certificates shall be issued on such terms and conditions as THE COUNCIL may determine, but they shall become due no 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.

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 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 more than 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 and issuing of such emergency debt certificate 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**

Sectin 8.01 Power to make improvements & levy assessments.

The city may make any type of public improvement not forbidden by law and levy special assessments to pay all cost incurred by the city of such improvements incurred by the city as are of a local character. The total assessment 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 benefit to the property. All improvements shall be assessed at 100% of the cost to the city.

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 benefitted and may be collected in the same manner as special assessments.

Section 8.03 Local improvements procedure.

When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. THE COUNCIL may, by ordinance, prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

**Chapter 9
Eminent Domain**

Section 9.01 Acquisition of property.

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

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 the 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 renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Chapter 11 Boards and Commissions

Section 11.01 Boards and Commissions Appointments and Terms.

Performance of certain services and functions of the city shall be vested in its boards and/or commissions. These boards or commissions shall be governed by five members, who shall have been residents of the city for no less than two years and shall be qualified electors of the city. Commissioners shall be nominated by THE COUNCIL and approved by a majority of the members-elect of THE COUNCIL, and shall hold office for a term of two years and until their respective successors are appointed and shall have qualified. Should the office of any commissioner become vacant before the expiration of their term, THE COUNCIL, as herein provided, shall appoint a person to serve the balance of the unexpired term. Commissioners (with the exception of the public utilities commission), shall serve

ut a salary. Public utilities commissioners may be compensated by THE COUNCIL. y shall be eligible for reappointment, and shall be so classified that the term of one member of each commission shall expire each year. Appointments of commissioners shall be made in January of each year or such other time as THE COUNCIL may deem necessary. Their terms of office shall begin in February following or at such other time as THE COUNCIL may determine.

Section 11.02 Organization, general powers and duties of Boards and Commissions.

The annual meeting of each commission/board shall be held during February; subsequent meetings shall be held at such times and places as the boards/commissions shall decide. Each board/commission shall, at its annual meeting, elect from its members a president and a secretary who shall sign all contracts and all orders for the payment of money and perform such other duties as usually pertain to their offices. The appointed secretary of each commission/board shall keep minutes of each regular and special meeting and forward copies of said minutes to the office of the city clerk within five days after correction and approval. Said copies shall be kept on file in the office of the city clerk in books kept for said purpose and no other publication of said minutes shall be required. It shall be the duty of any appointed officer of the city, upon invitation of any commission, to advise and consult with any such commission. It shall be the duty of any commission upon invitation of THE COUNCIL, to meet with THE COUNCIL in executive session to advise and consult with THE COUNCIL.

Section 11.03 Public Utilities Commission: Powers and Duties.

The Department of Public Utilities shall be governed by the Public Utilities Commission. The commission shall have sole power to manage and operate such water, gas, heat, waste water treatment, and electric plants as the city may own or acquire. The commission shall set charges against each class of consumer, public or private, for gas, heat, water, waste water treatment, or electricity service as will meet all costs of production and transmission of such utilities consumed by such class of consumer and as will, in the judgment of the commission, yield appropriate sums for depreciation and reserve accounts, and for the retirement of any bonded indebtedness incurred by the city for capital expenditures of the department (except that water drawn from the mains through hydrants for city use and electric current used for lighting the streets of the city shall be provided by the department free of charge). From the various funds of the department, and the proceeds of such bonds of the city of Ely as may be sold to provide funds for capital expenditures, the commission shall have power to purchase or otherwise acquire such equipment, materials, and facilities as operation of the department may require, and to sell or otherwise dispose of such materials, equipment, or facilities as it may be desirable to sell or dispose of. The commission shall have power to sell water, gas, heat, waste water treatment, and electric service to any such person or corporate body outside the territorial limits of the city of Ely, and to buy such utilities from any such person or corporate body. The commission shall have control over funds derived from the operation of the department and the proceeds of such bonds of the city as may be sold to provide funds for its capital expenditures. The commission may make transfers between funds, except funds established for the payment of bonds and bond interest.

**Chapter 12
General Provisions**

Section 12.01 Official publication.

THE COUNCIL shall annually, at its first meeting of the year, call for sealed bids to designate a legal newspaper of general circulation in the city as its official newspaper in

shall be published ordinances and other matters required by law to be so published well as such other matters as THE COUNCIL may deem it in the public interest to have published. Printing contract shall be awarded to the lowest responsible bidder.

Section 12.02 Oath of office.

Every elected or appointed 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...(title of office) of the city of Ely, to the best of my judgment and ability."

Section 12.03 Official bonds.

The city clerk-treasurer, and such other officers or employees of the city as may be specified by ordinance, shall each, before entering upon the duties of the respective office or employment, give a corporate surety bond to the city as security for the faithful performance of official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as THE COUNCIL determines and may be either individual or blanket bonds at the discretion of THE COUNCIL. They shall be approved by THE COUNCIL and filed with the city clerk-treasurer. The provisions of state laws 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 12.04 Official interest 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 or personally benefit from such contract.

Section 12.05 Sale of real property.

No real property of the city shall be disposed except by sealed bids. The net cash proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the city in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

Section 12.06 Vacation of streets.

THE COUNCIL may by ordinance approved by a majority of THE COUNCIL vacate any street or alley or other public grounds thereof within the city. Such vacating 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 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 this charter are continued in full force and effect until amended or repealed.

Section 12.09 Pending condemnations, improvements and assessments.

Any condemnation, improvement, 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 as if this charter had not been adopted.

Section 12.10 Ordinances to make charter effective.

THE COUNCIL shall, by ordinance, resolution, or other appropriate action, take such steps as may be necessary to make effective the provisions of the charter.

Section 12.11 Present officers continued.

The present officers of the city shall continue in their respective offices and functions and shall continue to govern the city under the laws and charter previously in effect until the officers provided for by this charter have been elected and qualified. They shall make such financial and other provisions for the fiscal year 1984 as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided in Chapter 4 of this charter.

Section 12.12 This charter becomes effective January 1, 1985.

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O. D.