

OFFICE OF CITY CLERK  
304 CITY HALL  
MINNEAPOLIS, MINNESOTA 55415

PHONE: 348-2215

MERRY KEEFE  
CITY CLERK

minneapolis

city of lakes

June 7, 1989

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

Dear Sir:

Enclosed, for filing in your office, you will find certified copies of  
Charter Amendment Nos. 110 - 112 relating to amending the Minneapolis  
City Charter.

Sincerely,

*Merry Keefe*

Merry Keefe  
City Clerk

MK:gj  
enc.

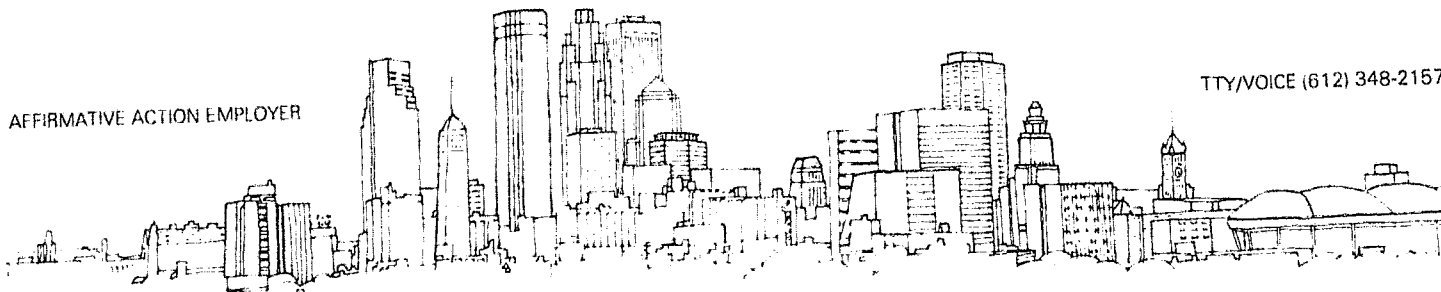
39197  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

JUN 8 1989

*John Anderson Shaver*  
Secretary of State

AFFIRMATIVE ACTION EMPLOYER

TTY/VOICE (612) 348-2157



STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) SS  
CITY OF MINNEAPOLIS )

I, Steven J. Ristuben, Assistant City Clerk of the City of Minneapolis, in the County of Hennepin, and State of Minnesota, do hereby certify that I have examined the attached copy of Ordinance 89-Or-078

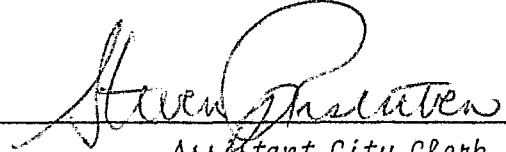
---

---

---

adopted by the City Council of said City at a regular meeting thereof held on the 12th day of May, 1989, and have carefully compared the same with the original thereof now on file in this office, and that said attached copy is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this 7th day of June, 1989.

  
Assistant City Clerk

Amending certain Sections of Chapter 5, of the Minneapolis City Charter, relating to Finance, to eliminate obsolete language and provisions

ORDINANCE 89-Or-078

By Cramer

1st & 2nd Readings:

May 12, 1989

*Amendment 110*

Amending certain Sections of Chapter 5, of the Minneapolis City Charter, relating to Finance, to eliminate obsolete language and provisions.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 5, Section 11, of the Minneapolis City Charter be and is hereby repealed.

Section 2. That Chapter 5, Section 12 of the Minneapolis City Charter be amended to read as follows:

Section 12. TAXES FOR STREETS. The City Council shall INCLUDE AS PART OF THE GENERAL FUND TAX LEVY a tax for the purposes of defraying the costs and expenses of the City for the next fiscal year connected with and required for the cleaning, sweeping, oiling, sprinkling, flushing and keeping in repair of the public streets, lanes, alleys, highways and thoroughfares throughout the entire City, and acquiring equipment therefor, and constructing and maintaining street crosswalks therein, and providing for and maintaining street signs and traffic signs and signals therein, and for removing snow and ice therefrom, and making payment of any damages for injuries to any person caused by defective sidewalks in the City. The proceeds of such taxes may be used and disbursed by and under the direction of the City Council for the purposes above specified, notwithstanding any provision or provisions of this Charter to the contrary.

Section 3. That Chapter 5, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. Sinking Fund. In order to provide for the certain payment of the bonds and debts of the city, the City Council is authorized to maintain the sinking fund already established, and to provide by ordinance for the care, investment and security thereof, and from time to time to amend such ordinances in such manner as may be necessary or expedient but shall have no authority to abolish such sinking fund until all the debts of the city are fully paid, nor shall it divert said funds or any revenue or increase thereof to any other purpose. All amounts, if any there be, collected of the tax to pay the

interest on the bonds of the city in excess of the amount of such interest, the whole amount of the three mill levy for the payment of the bonds of the city provided for in the preceding section, and all revenues of the city not otherwise appropriated, shall be applied to the increase of such sinking fund.

THE FINANCE OFFICER shall have charge of said sinking fund, and, by and with the consent of the City Council invest the same in the bonds of the said city, or such other bonds as are permitted for the investment of the permanent school fund of the State of Minnesota, or in the bonds of any city in the State of Minnesota having a population of five thousand or more, or in such county or school bonds in the State of Minnesota as may be approved. In case of investment in the bonds of said city the same shall not be canceled but shall be held by such FINANCE OFFICER and the interest thereon paid over and applied to the increase of such sinking fund. Whenever the principal of any of the bonds of the city shall become due such FINANCE OFFICER shall, by and with the consent of the City Council, dispose of such of the bonds belonging to such fund as with the money on hand belonging to the same shall be necessary to pay such bonds. Whenever the amount of such sinking fund shall with the interest or revenues thereof computed to the time of maturity of the bonds or debt of the city, be sufficient to pay all of said bonds or debt at the maturity thereof, the levy of the three mill tax aforesaid, or so much thereof as the City Council shall determine, may be omitted, but in case by reason of decrease of interest or depreciation of investments or other cause said fund shall not be sufficient, the levy of such taxes shall be resumed.

In case the City Council, FINANCE OFFICER, or other city officers shall violate or neglect to conform to any of the provisions of this section, any taxpayer of the city, or any owner of any of the bonds of said city, shall have the right to maintain, in any court of competent jurisdiction, any appropriate action to enforce compliance therewith.

The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds or debt of said city, is hereby declared to be part of the contract with the holder of any bonds of the city that have

been or may hereafter be issued, and shall be kept inviolate.

Section 4. That Chapter 5, Section 19 of the Minneapolis City Charter be and is hereby repealed.

Section 5. That Chapter 5, Section 21 of the Minneapolis City Charter be amended to read as follows:

Section 21. THE FINANCE OFFICER to Notify Council When Funds Deficient. Whenever the amount contracted or appropriated to be expended out of such permanent improvement fund shall be equal to the amount of such fund actually on hand and nine-tenths of the amount of uncollected taxes levied for the current fiscal year as aforesaid, and applicable to such fund, or when the amount called for by any proposed contract shall, together with the amounts previously appropriated or contracted for, exceed the amount of such fund on hand, and such nine-tenths of the uncollected taxes, the City FINANCE OFFICER shall forthwith notify the City Council of such fact and shall not countersign any contract payable out of such fund until the amount of such fund on hand, with nine-tenths of the amount of uncollected taxes aforesaid, shall be sufficient to meet the liabilities created by such contract in addition to all liabilities previously contracted for, and the FINANCE OFFICER shall never countersign any contract payable out of the revenues of any other fiscal year than the one in which such contracts shall be performed. Provided, That where special assessments have been made for any improvement, or where the City has been authorized to sell bonds to raise money for any improvement, then, in such cases, said FINANCE OFFICER may countersign any contract for such improvement, where said contract provides that no payments shall be made until such money is in the treasury, and in any case, where the money is to be raised by such sale of bonds, such contracts may provide for the construction of such improvements to extend over a period of several years, to be paid for as finished, or on periodical estimates, out of the revenues or moneys provided for the year, when to be so paid. The FINANCE OFFICER shall countersign no order upon the treasury until there shall be money in the treasury belonging to the proper fund wherewith to pay the same, and all orders on the treasury shall be countersigned in the order in which the claims

are allowed, upon each fund respectively.

Section 6. That Chapter 5, Section 24 of the Minneapolis City Charter be amended to read as follows:

**Section 24. County Treasurer to Pay Over Taxes.** The County Treasurer of said Hennepin County shall pay over such taxes, together with all interest and penalties which shall be collected on account of the same, when collected, to the FINANCE OFFICER of said City, and in the several settlements of the funds to be so paid over as provided for by general law, and Chapter 23, Special Laws of Minnesota for 1891 (page 756), hereby adopted and made a part hereof, said County Treasurer shall account for and pay over to the City FINANCE OFFICER such portions of the interest paid by bankers with whom funds of said county are deposited, as have accrued upon funds arising from City taxes and assessments so deposited, with such county funds or as parts thereof.

Whenever, previous to any of the settlements provided for by law, there shall be a lack of funds in the City Treasury for any purpose, and there shall be funds in the County Treasury which shall have been collected on account of City taxes or assessments, the County Treasurer shall, on the application of City FINANCE OFFICER, advance and pay over such sums as shall be estimated to be the amount collected on account of such City taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlements with said City. The City FINANCE OFFICER shall also forthwith, after such settlements, adjust and apportion the funds so advanced among the several City funds in the hands of the FINANCE OFFICER.

Section 7. That Chapter 5, Section 26 of the Minneapolis City Charter be amended to read as follows:

**Section 26. City Orders-When Issued.** No money shall be paid out of the City Treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the City Council, and shall then be drawn out only upon orders signed by the Mayor and Clerk and countersigned by the FINANCE OFFICER, which orders shall specify the purpose for which they were drawn, and the funds out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the City Council may determine. Provided that the City Council may provide by ordinance for the payment of all employees of said City, which are paid by order of the City Council, on payrolls, to be prepared as

directed by said ordinance, by heads of departments or otherwise, audited by the City FINANCE OFFICER, ordered paid by said City Council, after so being audited, and paid by the City FINANCE OFFICER which payrolls shall be retained by said FINANCE OFFICER along with CANCELLED CHECKS for the sums totals of such payrolls. And also, further provided, that when any of the several boards of said City shall by resolution request the City FINANCE OFFICER to pay the respective regular employees on payrolls of the board making such request, in a similar manner as above named for paying employees who are paid by order of the City Council, then said FINANCE OFFICER shall pay the respective regular employees of such Board so requesting the same on such payrolls.

Section 8. That Chapter 5, Section 27 of the Minneapolis City Charter be amended to read as follows:

**Section 27. Orders to Be Canceled.** When any such order shall have been paid to or received by the FINANCE OFFICER it shall not again be issued, but the FINANCE OFFICER shall immediately cancel the same and file the same away, keeping the orders drawn upon each fund separately.

Section 9. That Chapter 5, Section 28 of the Minneapolis City Charter be amended to read as follows:

**Section 28. Destruction of Canceled Bonds.** The City Council may provide for the examination from time to time of such canceled orders, and also of canceled bonds or other obligations in the hands of the FINANCE OFFICER and for their destruction, preserving such record of voucher thereof as the City Council or any committee thereof may deem proper.

Section 10. That Chapter 5, Section 29 of the Minneapolis City Charter be amended to read as follows:

**Section 29. Depositories of City Funds.** The City Council shall at the beginning of each calendar year, and from time to time as may be necessary, designate or redesignate, so far as consistent with the best interest of the city, sufficient depositories in the city or elsewhere in the United States, in which the FINANCE OFFICER of the city shall deposit and keep all the moneys of the city, which may be or are likely to be at any one time in the hands of the FINANCE OFFICER, designating in each instance the maximum amount which may at any time be kept in any one of such depositories. In designating such depositories, the City Council shall require from each of such depositories good and

sufficient bonds with sureties thereon to be approved by the City Council, conditioned for the safe keeping and payment of funds so deposited and interest thereon. Such bonds of any depository with personal sureties thereon shall be in the aggregate for double the amount of money likely to be received by such depository and such bonds of ANY DEPOSITORY WITH ONE OR MORE, corporate surety companies thereon as surety shall be in the aggregate in a penal sum equal to the amount designated by the City Council as the limit of the deposits in such depository, or in lieu of such bonds, the depository shall furnish and deposit with the FINANCE OFFICER, general obligations of the United States Government, obligations issued, insured or guaranteed by the United States Government, obligations issued or guaranteed by an agency established by the United States Government, state general obligation bonds of this state or any other state of the United States, or general obligation bonds of any county, school district, city, town, or village of this state, provided that United States Government bonds, having a market value of at least par, offered as collateral, shall have a market value at least equal to the deposits thereby secured, and other bonds and obligations so furnished shall have a market value of at least one hundred ten (110) percent of the deposits thereby secured. All furnished securities shall be approved by the City Council, and shall be accompanied by a proper assignment to the end that such depository so depositing and assigning such securities shall and will safely keep and pay over to the FINANCE OFFICER or the order of the FINANCE OFFICER on demand, free of exchange, all moneys, deposited therein at any time while such bonds or securities shall be so deposited, WITH interest thereon at the rate agreed upon; and provided, that in the case of default on the part of such depository, the City Council shall have full power and authority to sell such securities or so much thereof as may be necessary to realize the full amount deposited in such depository, together with interest thereon, and to pay the balance or surplus, if any, to the depository entitled thereto.

Authority is given to the FINANCE OFFICER to return said securities to the depository so depositing them when the trust so created is terminated, and to exchange upon application any other securities for the securities so deposited, of equal value and of any of the classes herein permitted to be deposited. The interest on such bonds or securities so deposited and

furnished shall, when paid, be turned over to the depository so depositing the same so long as it is not in default.

Section 11. That Chapter 5, Section 30 of the Minneapolis City Charter be amended to read as follows:

**Section 30. Designated Banks-Deposits In.** After such designation shall have been made, all the funds then in the hands of, or thereafter received by, the City FINANCE OFFICER shall be deposited in the depositories designated, on open account or demand certificates of deposit as may be to the best interest of said city, in the name of the City of Minneapolis and subject to the order of the City FINANCE OFFICER, and the funds so deposited shall be distributed as near as may be in proportion to the paid-up capital stock of the depository receiving such deposits.

Section 12. That Chapter 5, Section 31 of the Minneapolis City Charter be amended to read as follows:

**Section 31. Statement of Deposits.** The City FINANCE OFFICER shall make statements AT LEAST MONTHLY of the amount of money deposited as hereinbefore provided, giving the amount deposited in open account, and in interest bearing certificates, in each depository separately, and file such statement with the City Clerk, who shall present the same to the City Council at its next regular meeting thereafter; and the City Clerk shall furnish a copy thereof to any local newspaper applying therefor for publication, free of charge.

Section 13. That Chapter 5, Section 32 of the Minneapolis City Charter be amended to read as follows:

**Section 32. City FINANCE OFFICER Exempt from Liability.** When the funds in the hands of the City FINANCE OFFICER shall be deposited as hereinbefore provided, such FINANCE OFFICER and his or her bonding agent shall be exempt from all liability therefor by reason of the loss of any such deposited funds from the failure, bankruptcy or any other acts of any such depository to extent and amount of such FUNDS in the hands of such depository at the time of such failure or bankruptcy. The failure of the City Council to designate depositories as herein provided shall not exempt or relieve the City FINANCE OFFICER or the sureties on the official bond of the FINANCE OFFICER from any liability.

Section 14. That Chapter 5, Section 33 of the Minneapolis City Charter be amended to read as follows:

**Section 33. City FINANCE OFFICER to Secure Interest.** It is hereby made the duty of the City FINANCE OFFICER to make every endeavor to secure interest on the public funds, consistent with their safekeeping, as herein provided; and to manage such funds in the interest of the city. But the FINANCE OFFICER shall in no case postpone or defer any payments after the same shall become due, in order to secure additional interest on such funds. At the close of each fiscal year, the City FINANCE OFFICER shall make a statement of the total amount of interest on public funds received by the FINANCE OFFICER during the year, and such interest shall be credited to the Sinking fund, GENERAL FUND or such other funds of the city as the City Council may from time to time direct.

Section 15. That Chapter 5, Section 34 of the Minneapolis City Charter be amended to read as follows:

**Section 34. Council May Require New Bonds.** Whenever, from the change in the financial ability of sureties, or from other causes, the City Council shall deem the bonds or securities of any depository insufficient security for the funds therein deposited or liable to be deposited by the City FINANCE OFFICER, the City Council shall require a new bond or securities to be approved by the City Council, to be given by such depository, and if such depository shall fail to promptly execute and present such new bonds or securities, the City FINANCE OFFICER shall at once withdraw all deposits from such depository and such depository shall cease to be a depository of city funds until it shall be reinstated as such by vote of the City Council upon the execution of such bonds, or deposit of securities, which shall be approved by the City Council.

Section 16. That Chapter 5, Section 35 of the Minneapolis City Charter be amended to read as follows:

**Section 35. Bonds to Continue in Force.** All bonds or securities given or deposited by depositories as provided in this Chapter shall continue and remain in force so long as funds of the city or of which the City FINANCE OFFICER is the custodian in any way, deposited in such depository shall be unpaid by the depository giving such bonds, or depositing such securities. And the City Council, shall examine all the bonds and securities in the hands of the City FINANCE OFFICER, and if any are deemed insufficient they shall require new bonds to be executed, or additional securities to be furnished, and the

Council may make such examination and orders at any other time. All of such bonds or securities given or deposited by depositories under the provisions of this Chapter shall, be recorded by the FINANCE OFFICER and retained by the FINANCE OFFICER for safekeeping; and the record of such bonds or securities so kept by the City FINANCE OFFICER, or copies thereof certified by that officer, shall be competent and prima facie evidence of the contents and tenor of such bonds and securities.

Section 17. That Chapter 5, Section 36 of the Minneapolis City Charter be amended to read as follows:

**Section 36. Orders Paid from GENERAL FUND.** All appropriations and expenses of the city not otherwise specially provided for shall be paid out of the GENERAL fund FROM ANY ACCOUNT THEREOF AVAILABLE for the current expenses of the city.

Section 18. That Chapter 5, Section 37 of the Minneapolis City Charter be amended to read as follows:

**Section 37. Judgments Against City.** No limitations or restrictions herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against said city, but in case of such judgment the city council shall at the time of making the next annual tax levy after the rendition of such judgment levy and assess a special tax upon all the property in the city or such ward thereof as may be responsible for the payment of such judgment, sufficient to pay such judgment. In case of failure to collect taxes or other cause, such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the GENERAL fund of the city.

Section 19. That the sections of Chapter 5 be renumbered by the publisher of the City Charter so that the sections that have not been repealed shall be in numerical order.

Adopted. Yeas, 13; Nays none.

Passed May 12, 1989. Alice W. Rainville, President of Council.  
Approved May 18, 1989.  
Donald M. Fraser, Mayor.  
Attest: Merry Keefe, City Clerk.