

City of Sleepy Eye



CHARTER

FOREWORD

The original Charter of the City of Sleepy Eye, Minnesota, was adopted at a special election held for that purpose on December 23, 1903, by a vote of 208 for and 129 against, and pursuant to Section 36 of Article IV of the Constitution of the State of Minnesota.

From time to time the Charter was amended, but it was not until February of 1960 that a general revision and amendment was adopted by the people of the City. A Charter Commission and its subcommittees studied the Charter and discussed a major revision. On December 28th, 1959 the Charter Commission presented their Charter Amendment proposal to the Mayor of the City with a recommendation that it be submitted to the voters of the City as required by law. The amendment in the form of an entirely new Charter was subsequently adopted at a special election held February 9th, 1960, by the vote of 674 for to 282 against. Certificates for the ratification of the new Charter were recorded in the Register of Deeds of Brown County, Minnesota, on February 19th, 1960 and filed with the Secretary of State of Minnesota on February 19th, 1960.

Amendments were made to the 1960 Charter with the last amendment coming in 1974. Again the community found that the Charter needed to be examined as a whole and the actual form of government. A new Charter Commission was appointed by District Court Judge Terri J. Stoneburner on December 20th, 1995 and convened an organizational meeting on January 23, 1996. Members of the Commission were Edwin V. Trembl, Selmer Erickson, James J. Broich, Earle Stevermer, Harry Hornbrook, Gwyn Erickson, Jerome Koll, Cheryllick, Robert Breiholz, Wayne Novotny and Robert Weiss.

Two and one half years of work by the commission included the study of every aspect of the Charter and how State law should be interpreted on the local basis. At the regular Council meeting of April 7, 1998 this work resulted in a recommendation that the City Council consider an ordinance to amend the Charter. Councilor Earl Stevermer made a motion to call for the first reading of such an ordinance and Councilor Wayne Novotny seconded. The ordinance was published on May 14 and May 21, 1998 in the Sleepy Eye Herald Dispatch newspaper.

A public hearing was held to consider amending the Charter on June 2nd, 1998 as required by Minnesota Statute Chapter 410.12, Subd. 7. City Clerk Edwin V. Trembl gave a summary of the changes included in the amendment ordinance among which were changes in language to conform to new State Laws, provide for a City Manager by ordinance, gender language changes and the changing of the City election to November in even years.

The matter of considering an ordinance to amend the Charter of the City of Sleepy Eye came before the Sleepy Eye City Council on July 7th, 1998. City Councilor Earle Stevermer moved to adopt ordinance 48, 2nd Series, "An Ordinance Amending The Charter Of The City Of Sleepy Eye", and to direct the City Clerk to cause publication and recording in the Book of Ordinances and to file said ordinance with any required parties and proper printing of the same. Councilor Novotny seconded the motion and the motion carried with a unanimous vote of the City Council as required. Whereupon Mayor James J. Broich declared said ordinance no. 48, 2nd Series adopted and the Charter was amended.

**HOME RULE CHARTER
City of Sleepy Eye, Minnesota**

	Page
CHAPTER 1 NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS	6
Section 1.01 Name and Boundaries	
1.02 Ward Boundaries	
1.03 Change of Ward Boundaries	
1.04 Addition of Precincts	
1.05 Powers of the City	
1.06 Charter a Public Act	
 CHAPTER 2 FORM OF GOVERNMENT	 7
Section 2.01 Form of Government	
2.02 Boards and Commissions	
2.03 Elective Officers	
2.04 Incompatible Offices	
2.05 Vacancies in the Council	
2.05a. Vacancies in Appointed Offices	
2.06 The Mayor	
2.07 City Clerk	
2.10 Appointive Officers	
2.11 Salaries	
2.12 Investigation of City Affairs	
2.13 General Duties of Municipal Officers	
2.14 Removals	
 CHAPTER 3 PROCEDURE OF THE COUNCIL	 10
Section 3.01 Council meetings	
3.02 Secretary of the Council	
3.03 Rules of Procedure and Quorum	
3.04 Ordinances, Resolutions and Motions	
3.05 Procedure on Ordinances	
3.06 Emergency Ordinances	
3.07 Procedure on Resolutions	
3.08 Signing and Publication of Ordinances and Resolutions	
3.09 When Ordinances and Resolutions Take Effect	
3.10 Amendment and Repeal of Ordinances and Resolutions	
3.11 Revision and Codification of Ordinances	

	Page
CHAPTER 4 NOMINATIONS AND ELECTIONS	12
Section 4.01 The Regular Municipal Election	
4.02 Special Elections	
4.03 Nomination by Filing	
4.04 Nominations by Petition	
4.05 Nomination Petitions	
4.06 Primary Elections	
4.07 Canvass of Election	
4.08 Procedure at Elections	
 CHAPTER 5 INITIATIVE, REFERENDUM AND RECALL	 14
Section 5.01 Powers Reserved by the People	
5.02 Expenditure by Petitioners	
5.03 Further Regulations	
5.04 Initiation of Measures	
5.05 Form of Petition and Signature Powers	
5.06 Filing of Petitions and Action Thereon	
5.07 Action of Council on Petition	
5.08 Initiative Ballots	
5.09 Initiation of Charter Amendments	
5.10 The Referendum	
5.11 Referendum Petitions	
5.12 Referendum Ballots	
5.13 The Recall	
5.14 Recall Petitions	
5.15 Filing of Petition	
5.16 Recall Election	
5.17 Procedure of Recall Election	
5.18 Form of Recall Ballot	
 CHAPTER 6 ADMINISTRATION OF CITY AFFAIRS	 20
Section 6.01 Power of the City	
6.02 City Manager	
6.03 Purchases and Contracts	
 CHAPTER 7 TAXATION AND FINANCES	 21
Section 7.01 Council to Control Finances	
7.02 Fiscal Year	
7.03 System of Taxation	
7.04 Board of Review	
7.05 Preparation of the budget	

7.06	Passage of the Budget
7.07	Enforcement of the Budget
7.08	Alterations in the Budget
7.09	Emergency Appropriations in Budget
7.10	Disbursements-How Made
7.11	Funds to be Kept
7.12	Accounts and Reports
7.13	City Indebtedness
7.14	Tax Anticipation Certificates
7.15	Emergency Debt Certificates

CHAPTER 8 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS 27

Section	8.01	Power to Make Improvements and Levy Assessments
	8.02	Assessments for Services
	8.03	Local Improvements Regulations
	8.04	Public Works-How Performed
	8.05	Planning and Zoning Commission

CHAPTER 9 EMINENT DOMAIN 28

Section	9.01	Power to Acquire Property
	9.02	Proceedings in Acquiring Property
	9.03	Payment of Award
	9.04	City May Abandon Proceedings
	9.05	City May Take Entire Plant

CHAPTER 10 FRANCHISES 29

Section	10.01	Franchises Required
	10.02	Term
	10.03	Public Hearing
	10.04	Power of Regulation Reserved
	10.05	Renewals or Extensions

CHAPTER 11 PUBLIC OWNERSHIP AND OPERATION OF UTILITIES 30

Section	11.01	Acquisition and Operation of Utilities
	11.02	Rates and Finances
	11.03	Purchase in Bulk
	11.04	Lease of Utility
	11.05	Public Utility-How Sold
	11.06	Public Utilities Department

11.06a.	Public Utilities Commission
11.06b.	Organization of Commission
11.06c.	Powers of the Commission

CHAPTER 12 MISCELLANEOUS AND TRANSITORY PROVISIONS 34

Section	12.01	Official Publications
	12.02	Oath of Offices
	12.03	City Officers not to be Interested in Contracts
	12.04	Official Bonds
	12.05	Sales of real Property
	12.06	Vacation of Streets
	12.07	City to Succeed to Rights and Obligations of Former City
	12.08	When Charter is to Become Effective
	12.09	Tenure of Present Elected Officers
	12.10	Statutes not Effected by Charter
	12.11	Existing Ordinances Continued
	12.12	Pending Condemnations and Assessments
	12.13	Ordinances to Make Charter Effective

CHAPTER 1

NAME, BOUNDARIES, POWER AND GENERAL PROVISIONS

Section 1.01. NAME AND BOUNDARIES. The City of Sleepy Eye, in the County of Brown, and the State of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation, under the name and style of the City of Sleepy Eye, within the corporate limits as now established or hereafter established in the manner provided by law.

Section 1.02. WARD BOUNDARIES. The City of Sleepy Eye shall be divided into two wards, bounded and described as follows: First Ward - All that portion of the City of Sleepy Eye, situated, lying and being West of the center line of First Avenue extended South to the City Limits and North to St. Marys Street - thence East to Third Avenue thence North to the City Limits. Second Ward - All that portion of the City of Sleepy Eye, situated, lying and being East of the center line of First Avenue extended South to the City Limits and thence East to Third Avenue thence North to the City Limits.

Section 1.03. CHANGE OF WARD BOUNDARIES. The Council shall redistrict the two existing wards when by federal census one ward exceeds the other in population by forth percent (40%) or more. The Council shall do this by ordinance so as to keep each ward practical and within distinct boundaries.

Section 1.04. ADDITION OF PRECINCTS. After the adoption of this C charter, if in any election the total vote is over 800 in either of the existing wards the Council may establish precincts, to equalize the number of voters, by appropriate resolution.

Section 1.05. POWER 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 that every power which the people of this City of Sleepy Eye might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provision of this section. This charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.06. CHARTER A PUBLIC ACT. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days from and after its adoption by the voters, or as provided by the constitution and laws of the State of Minnesota.

CHAPTER 2

FORM OF GOVERNMENT

Section 2.01. FORM OF GOVERNMENT. The form of government established by this charter is the "Mayor-Council Plan." The council shall exercise the legislative power of the City, determine all matters of policy, and shall be subject to initiative, referendum, and recall powers of the people, for the proper administration of all affairs relating to the City. It shall have complete control over the city administration which it shall exercise either directly or through its City Manager or City Clerk, appointed officers and heads of departments, subject to the provisions of this charter and any regulations or ordinances consistent herewith. The Council may create such departments, division, and bureaus 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 the same except as otherwise provided by this charter or State law.

Section 2.02. BOARDS AND COMMISSIONS. The Council in addition to the Boards and Commissions hereinafter set out any establish such boards and commissions as deemed necessary.

Section 2.03. ELECTIVE OFFICERS. The Council shall be composed of a Mayor, two Councilors from each ward, and one Councilor at Large. The Mayor, Councilor at Large, and the Councilors from the wards shall serve for a term of four years except as provided in Section 12.09 of this charter. All elective officers are to be qualified electors. The terms of all elective officers shall begin on the 1st business day of January following the year in which they are elected, and they shall serve until their successors are elected and qualified.

Section 2.04. INCOMPATIBLE OFFICES. No member of the Council shall hold any municipal office or employment under the City; and until one year after the expiration of his/her term as Mayor or Councilor no former member shall be appointed to any paid office or employment under the City which office or employment was created or the salary and benefits which were increased during his/her term as Mayor or Councilor.

Section 2.05. VACANCIES IN THE COUNCIL. A vacancy in the Council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new Council, or by reason of the death, resignation, removal from office, removal from election district, continuous absence from the City for more than three months, or conviction of a felony of such person if his or her rights have not been restored, or by reason of the failure of any Councilor without good cause to perform any of the duties of membership in the Council for a period of three months. In each such case the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term.

Section 2.05a. VACANCIES IN APPOINTED OFFICES.

Whenever a vacancy shall occur in any appointed office provided for by this Charter by reason of removal from office under Section 2.14, death, resignation, change of residence, refusal or neglect to enter upon the discharge of his or her office or for any other cause, such a vacancy shall be filled for the unexpired term by appointment of the Mayor within thirty (30) days following such vacancy and subject to Section 2.10 (a).

Section 2.06. THE MAYOR. The mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall not have a vote as a member of the Council. The Mayor shall exercise all powers and perform all duties conferred and imposed upon his or her by this charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City, for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor of the State of Minnesota for the purpose of martial law. The Mayor shall study the operations of the city government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

Section 2.07. CITY CLERK. The City Clerk shall keep the corporate seal and all papers and records of the City, and keep a record of the proceedings of the City Council at whose meetings it shall be his or her duty to attend. Copies of all papers filed in their office, and transcripts from all record of the City Council, certified by him or her shall be evidence in all court, the same as would be the originals thereof. The City Clerk shall draw and sign all orders on the City Treasurer in pursuance of any order or resolution of the City Council. The City Clerk shall have within the limits of the City the power to administer oaths and affirmations and take acknowledgements of all papers. It shall be the City Clerk's duty to report to the Council the financial condition of the City. The City Clerk shall perform such other duties as are required of him or her by the Council and by other provision of this charter and the laws of the State. Duties assigned to the City Clerk under this Section or elsewhere in this Charter may be transferred and assigned to the City Manager created under Section 6.02 of this Charter, pursuant to Section 2.13.

Section 2.10. APPOINTIVE OFFICERS. The Mayor shall annually on this 1st regular meeting of January appoint, subject to approval by a majority vote of the members of the Council and by resolution, a City Attorney, Health Officer, and such other officers and personnel as may be required to enable the City to operate efficiently. Such officers shall serve with duties and qualifications as provided for, customary and authorized by this charter upon its adoption and the laws of the State.

Section 2.10a. In the event the Council cannot get a majority vote of all its members for an appointee of the Mayor, the Mayor shall submit a new appointment within thirty days. If at that time a majority vote of all the Council member is not forthcoming for the appointee, the Council may take their own appointment by four-fifths votes of all its members.

Section 2.11. SALARIES. The salaries of the Mayor and Council shall be set by Ordinance subject to State law.

Section 2.12. INVESTIGATION OF CITY AFFAIRS. The Council and any officer or officers formally authorized by them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books, papers, and records. 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. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject or municipal concern.

Section 2.13. GENERAL DUTIES OF MUNICIPAL OFFICERS. The duties of all Municipal Officers shall be as provided for herein, or as otherwise established and determined by the City Council, from time to time, by resolution or ordinance; such determination of duties of Municipal Officers by the Council shall be consistent with the provisions of this Charter relating thereto.

Section 2.14. REMOVALS. Every person elected to office under this charter, and every person appointed by the Mayor or Council shall be subject to removal by a four-fifths vote of the Council. No such officer, however, shall be removed except for cause, not unless furnished with a written statement of the charges against him/her and an opportunity given him/her to be heard, in person, or by counsel, in his/her own defense.

The Council shall fix the time and place for a hearing on such officer to be removed, and shall have power to arrange the mode of trial, to compel the attendance of witnesses and the production of papers, to administer oaths, and to hear the proofs and arguments. If, after due notice, said officer shall neglect to make answer to the charges, the same shall be cause for removal without further notice.

CHAPTER 3

PROCEDURE OF THE COUNCIL

Section 3.01. COUNCIL MEETINGS. On the first regular meeting of January following a regular municipal election, the Council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected member of the Council shall assume their duties. Thereafter the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor or any four members of the Council may call special meetings of the Council in accordance with the open meeting law as per State Statute. Such notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. All meetings of Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable time.

Section 3.02. SECRETARY OF THE COUNCIL. The City Clerk shall act as secretary of the Council. The City Clerk shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this charter or as the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. The Council May designate any other official or employee of the City (except a member of the Council) to act as secretary of the Council.

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

Section 3.04. ORDINANCES, RESOLUTIONS, AND MOTIONS. Except as otherwise provided in this charter, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter or by State law.

Section 3.05. PROCEDURE ON ORDINANCES. The enacting clause of all ordinances shall be in the words, "The City of Sleepy Eye does ordain." Each ordinance shall be presented in writing. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced and at least ten days shall elapse between its introduction and final passage.

Section 3.06. EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of

the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto to the ordinance, and is adopted by a vote of at least four members of the Council.

Section 3.07. PROCEDURE ON RESOLUTIONS. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor or by two other members, attested by the City Clerk and filed and preserved by the City Clerk. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Section 3.09. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed therein. Every other ordinance shall take effect thirty (30) days after publication or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Section 3.10. AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by references 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 new matter to be omitted by enclosing it in brackets. In newspaper publication, the same indications of omitted and new matter shall be used except the italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parenthesis.

Section 3.11. REVISION AND CODIFICATION OF ORDINANCES. The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

NOMINATIONS AND ELECTIONS

Section 4.01. THE REGULAR MUNICIPAL ELECTION. A regular municipal election shall be held on the first Tuesday following the first Monday of November of each even numbered year. The City Clerk shall give at least two weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in at least one public place in each election district and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 4.02. SPECIAL ELECTIONS. The Council may by resolution order a special election and provide all the means for holding it. At least two weeks' published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.03. NOMINATION BY FILING. Any eligible person desirous of having their name placed upon the official election ballot as a candidate for an office to be voted on in an election shall not more than sixty (60) or less than forty-five (45) days prior to such election file an affidavit with the City Clerk, stating their residence, that they are a qualified voter in said city and the name of the office for which they desire to be a candidate; and, upon payment of a fee, as established by resolution, to the City Clerk, that office shall accept such affidavit and place the name of such candidate upon the official election ballot.

Section 4.04. NOMINATIONS BY PETITION. All elective officers provided for by this charter may be nominated by petition. The name of any elector of the City shall be printed upon the ballot as a candidate for an office whenever a petition signed by a least five electors has been filed with a the City Clerk together with a fee as established by resolution, in their behalf not more than thirty (30) days and no less than fifteen (15) days prior to such election. No elector shall sign petitions for more candidates for any office than the number of person to be chosen for the office at the election; should they do so, their signature shall be void as to petition or petitions last filed.

Section 4.05. NOMINATION PETITIONS. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator stating the number of signers of such paper and that each signature appended thereto was in their presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned electors of the City of Sleepy Eye, hereby nominate _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, (year); and we individually certify that we are qualified electors and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name	Address
_____	_____

_____, Being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his/her presence and are the signatures of the persons whose names the purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____, (year). This petition if found insufficient by the City Clerk, shall be returned to _____, at No. _____ Street.

I hereby indicate my willingness to accept the office of _____ if duly elected thereto.

Signature

Section 4.06. PRIMARY ELECTIONS. There shall be no primary election, but the filing of such affidavits or nomination petitions shall be a prerequisite to having the name of the candidate placed on the official ballot for the city election; and the name of the candidate shall be placed upon the official ballot without any political party designation.

Section 4.07. CANVASS OF ELECTION. The Council shall meet and canvass the election returns within five (5) days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of the election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of their election.

Section 4.08. PROCEDURE AT ELECTIONS. Subject to 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 in this charter or in ordinances adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

CHAPTER 5

INITIATIVE, REFERENDUM, AND RECALL

Section 5.01. POWERS RESERVED BY THE PEOPLE. The people of Sleepy Eye reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money, authorizing the levy of taxes, and other non legislative acts, to require such an ordinance when passed by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Section 5.02. EXPENDITURE BY PETITIONERS. No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and for incurring an expense as allowed by state law. Any violation of the provisions of this section is a misdemeanor.

Section 5.03. FURTHER REGULATIONS. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this charter, as deems necessary.

INITIATIVE

Section 5.04. INITIATION OF MEASURES. Any five (5) electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition they shall file a verified copy of the proposed ordinance with the City Clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers described in this Charter, together with their names and addresses as sponsors of the petition.

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits there-to attached. Such petition shall not be complete unless signed by a number of voters equal to at least twenty-five percent (25%) of the total number of votes cast at the last preceding municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be substantially the following form.

INITIATIVE PETITION

Proposing an ordinance to _____
(stating purpose), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

The undersigned electors, understanding the terms and the nature of this ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____

At the end of the list of signature shall be appended the affidavit of the circulator mentioned above.

Section 5.06. FILING OF PETITIONS AND ACTION THEREON.

All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the petition, the City Clerk shall ascertain by examination the number of elector whose signatures are appended thereto and whether this number is equal to at least twenty-five percent of the total number of electors who cast their votes at the last preceding State wide general election. If the Clerk finds the petition insufficient or irregular, the Clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for the finding. The committee shall then be given thirty (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 petition is found to be still insufficient or irregular, the Clerk shall file it in the Clerk's office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition 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 electors at the next regular or any special election at its option.

Section 5.07. ACTION OF COUNCIL ON PETITION. When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was

submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the cote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least thirty percent (30%) of the total number of voters voting in the last municipal regular election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) days nor more than forty-five (45) days from date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days if the passage thereof by the Council, the ordinance need not be submitted to the electors.

Section 5.08. INITIATIVE BALLOTS. The ballots used when voting on any such proposal on any ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each one separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 5.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this charter shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

REFERENDUM

Section 5.10. THE REFERENDUM. If prior to the date when an ordinance takes effect a petition signed by qualified electors of the City equal in number to twenty-five (25) percent of the total vote at the last State wide regular election is filed with the City Clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting and either repeal it or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which, the ordinance shall remain suspended. Such special election shall be held in accordance with terms

as specified in Section 5.07. If a majority of the electors voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. REFERENDUM PETITIONS. The requirements laid down in Sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to a vote of electors for their approval or disapproval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

Section 5.12. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this charter for initiative ballots.

RECALL

Section 5.13. THE RECALL. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about this recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 5.14. RECALL PETITIONS. The petition for the recall of any officer shall consist of a certificate identical with that filed with the City Clerk together with all the signature papers and affidavits thereto

attached. All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL PETITION

proposing the recall of _____ from his/her office as _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.15. FILING OF PETITION. Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than twenty-five (25) percent of the total number of electors who cast their votes at the last state wide general election, he shall so notify one or more members of the committee. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of the time the City Clerk finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in the Clerk's office. No further action shall be taken thereon.

Section 5.16. RECALL ELECTION. If the petition or amended petition is found sufficient, the City Clerk 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 not less than thirty (30) days nor more than forty-five (45) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 5.17. PROCEDURE AT RECALL ELECTION. The City Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 5.18. FORM OF RECALL BALLOT. Unless the office whose removal is sought resigns within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be as near as may be "Shall _____ be recalled?," the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately "Yes or No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of _____, if recalled," but the officer whose recall is sought shall not himself/herself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall thereby be removed from office, and the candidate who receives the highest number of votes for his/her place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigned within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Section 6.01. POWER OF THE CITY. The City Council shall administer all affairs of the City, through its committees, board, departments and officers, and shall have full power to do all things necessary to administer properly and efficiently the business affairs of the City. The City Council shall have the duty of enforcing this charter, and the laws, ordinances and resolutions of the City; to exercise control over all departments and divisions of the City Administration created by this charter or which may hereafter be created by the Council.

Section 6.02. CITY MANAGER. For a better administration of City affairs, the Council either directly thru its own action, or by action of the people taken thru the power of initiative, may adopt an ordinance consolidating the administrative work of the City and place all such work under the supervision of a City Manager who shall be appointed by the Council.

Such City Manager when appointed shall become the Chief Administrative and Financial Officer of the City and shall be selected for his/her ability and training and special fitness. He/she need not be a resident of the City of Sleepy Eye or the State of Minnesota, but a citizen of the United States. If a City manager shall be appointed as herein provided, his/her power and duties in such affairs of the City shall be defined and set forth in said ordinance, and subject to the provisions of this charter.

Section 6.03. PURCHASES AND CONTRACTS. Making purchases of, of contracting for, supplies, materials, equipment, or services shall be as per State law, which shall be under such rules or regulations as the Council may prescribe. The Council however reserves the right to accept or reject any or all bids. Subject to the provision of this Charter the Council may by ordinance or resolution adopt further regulations for making of bids or the letting of contracts should the commodity or service be of a strictly non-competitive nature, the Council may purchase the same without bids.

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, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safe-keeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02. FISCAL YEAR. The fiscal year of the City shall begin January 1st and end the last day of December of each year.

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

Section 7.04. BOARD OF REVIEW. The Council shall constitute a board of review to equalize assessments of property for taxation purposes according to law.

Section 7.05. PREPARATION OF THE BUDGET. The City Council shall prepare the estimates for the annual budget. The estimates for the expenditures shall be arranged for each department or division of the City under the following heads or as required by law.

- (1) Ordinary expenses (for operation, maintenance, and repairs);
- (2) Payment of principal and interest on bonds and other fixed charges;
- (3) Capital outlays (for new construction, new equipment, and for improvements of a lasting character).

Ordinary expenses shall be sub-divided into: (a) salaries and wages, with a list of all salaried offices and positions, including the salary allowance and the number of persons holding each; (b) other expenses, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and the current fiscal year, actual to date and estimated for the balance of the year. In addition to the estimates of expenditures, the budget shall include for such budgeted fund a statement of the revenues which have accrued for the past two completed fiscal years with the amount collected and the uncollected balances together with the same information, based in so far as necessary on estimates, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following

items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) earnings of public utilities and other public service enterprises, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten and there shall be sufficient copies for each member of the Council and for the City Clerk. The estimates shall be submitted to the Council and shall be made public. The City Clerk shall submit with the estimates such explanatory statement or statements as may be deemed necessary or as required by law.

Section 7.06. PASSAGE OF THE BUDGET. The City shall prepare a budget and tax levy, and conduct public hearings on them, in accordance with the provisions of State law. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full and the Clerk/Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the City for the ensuing fiscal year, for the funds budgeted, and shall be signed by the majority of the Council when adopted. It shall indicate the sums to be raised, and from what sources, and the sums to be spent, and for what purposes according to Section 7.05. The total sum appropriated shall be less than the total estimated revenue. The Council shall adopt the budget 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 whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County auditor in accordance with state statutes. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution.

Section 7.07. ENFORCEMENT OF THE BUDGET. It shall be the duty of the City Council to enforce strictly the provisions of the budget. It shall not approve any order upon the City for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. 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 therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.08. ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution; or by a vote of four members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. EMERGENCY APPROPRIATIONS IN BUDGET. The Council may include an emergency appropriation as a part of the budget but not to exceed ten percent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least four members of the Council and shall be used only for the purposes designated by the Council.

Section 7.10. DISBURSEMENTS - HOW MADE. No disbursement of the City funds shall be made except by check signed by the City Clerk/Treasurer and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid, sufficient to pay it together with all outstanding encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The City Clerk shall note on each contract requiring the payment of money by the City the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

Section 7.11. FUNDS TO BE KEPT. There shall be maintained in the City Treasury the funds provided for in the following subdivisions:

Subdivision 1. A general fund for the payment of such expenses of the City as the Council may deem proper. Into this fund shall be paid all money not provided in this charter or by statutes to be paid into any other fund.

Subdivision 2. A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time. To the extent required by law, a separate account in the debt service fund shall be maintained for each issue of City.

Subdivision 3. A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

Subdivision 4. A special assessment fund, which shall be used to finance local improvements to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund; (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or warrants sold by the City to finance local improvements to be paid for, in whole or in part, by special assessments; and the proceeds of inter-fund loans; (3) amount from other city funds representing either (a) apportionments of cost against the city at large, (b) benefit assessments against City property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects financed through the fund; (2) the redemption of all special assessment fund obligations, which interest, at or before maturity; and any inter-fund loans; and (3) abatements of assessments and refunds of receipts in error. The Council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments and the municipal share of the cost of a local improvement, the Council may by a majority vote issue and sell obligations pledging the full faith and credit of the City, or pledging only special assessments, in such amounts and maturities as it may determine; but the aggregate amount of such obligations outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and uncollected; (2) cost of work in progress to be financed in whole or in part by special assessments, and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all local improvement projects financed through it shall upon completion be certified by the City Clerk as to total cost, which shall thereupon be apportioned by the Council either as assessments against benefited property or as amounts ensue from other City funds. Amounts apportioned against other City funds shall be due when installments of special assessments levied for the same project are due, corresponding assessment rolls shall be charged interest as in the case of assessments and shall be credited to the fund, with any interest due, when collected. To the extent required by law, a tax for the City's share of the cost shall be levied before any obligations against the fund are issued and sold. When a local improvement to be financed wholly or partly from special assessments is undertaken under any applicable statute, any provision of this subdivision inconsistent with the statute shall not apply.

Subdivision 5. A public utility fund in to which shall be paid all money derived from the sale of obligations issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in

correction with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations, which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities, which are operated separately.

Subdivision 6. In addition to the foregoing funds, there may be maintained in the City Treasury, whenever the Council deems it advisable, the following funds:

- (a) One or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds;
- (b) One or more trust and agency funds, for the care and disbursement of money received and held by the City as trustee or custodian or in the capacity of any agent for individuals or other governmental units;
- (c) Such other funds as may be required by statute or ordinance.

Subdivision 7. In lieu of establishing any of the types of funds specified in subdivision 6, the Council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The Council shall have full power by ordinance or resolution to make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate from time to time.

Section 7.12. ACCOUNTS AND REPORTS. The City Clerk shall be the chief accounting officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances adopted in accord therewith. He/she shall submit to the Council a statement each month showing the amount of money in the custody of the City Clerk/Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the City as the Council may require. Each year, on or before the last day of June, the City Clerk shall submit a report to the Council covering the entire financial operations of the City for the past year. This report shall show: The actual receipts and expenditures, omitting duplications and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the conditions of each of the funds; the total receipts by sources and the total expenditures by general purposes; total outstanding bonds and debts of the City, when due, the amount of new bonds issued and the amount redeemed, and the interest rate of each; the condition of all the annual budget allowances; an inventory of all the property owned by the City; and such further information as the City Clerk deems advisable of the Council requires.

Section 7.13. CITY INDEBTEDNESS. Except as provided in Section 7.14 and 7.15, no obligations shall be issued to pay current expenses but the Council may, when authorized to do so by a majority of the electors of the city voting thereon at a general or special election issue and sell obligations for any other municipal purpose in accordance with the law and within the limits prescribed by law.

Section 7.14. TAX ANTICIPATION CERTIFICATES. At any time after January first following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety percent of the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. Such certificates shall be issued on such terms and conditions as the Council may determine and shall bear interest at a rate not to exceed a rate as allowed by State law, but they shall be come due and payable not later than the first day of January of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.15. EMERGENCY DEBT CERTIFICATES. If 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 should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines, emergency debt certificates not to exceed two years and to bear interest at not more than a rate as allowed by State law. 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 ordinances authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least four of the Council members. It may be passed as an emergency ordinance.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

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

Section 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of sprinkling, snow, or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

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

Section 8.04. PUBLIC WORKS - HOW PERFORMED. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the state.

Section 8.05. PLANNING AND ZONING COMMISSION. There shall be a City Planning and Zoning Commission which shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the majority of the Council, none of whom shall hold any other office or position in the City government. The City Attorney and City Engineer shall serve as ex-officio members but shall not have the power of voting and shall not be deemed to be regularly appointed members. The Planning and Zoning Commission shall elect its own chairperson and any other officers from its appointed members. The powers, duties, rules and regulations thereof, shall be established by ordinance.

CHAPTER 9

EMINENT DOMAIN

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

Section 9.02. PROCEEDINGS IN ACQUIRING PROPERTY. The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by a resolution, which shall describe such property as nearly as may be and state the uses to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the laws of this State, except as otherwise provided in this chapter.

Section 9.03. PAYMENT OF AWARD. Whenever an award of damaged is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within sixty (60) days of such final determination, pay the full amount, or the first of four equal annual installments, at the option of the landowner on his written request, of the award or judgment of the court, as the case may be; and if not so paid, judgment therefore may be had against the City.

Section 9.04. CITY MAY ABANDON PROCEEDINGS. The City may, by resolution of the Council at any stage of the condemnation proceedings or at any time within thirty (30) days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

Section 9.05. CITY MAY TAKE ENTIRE PLANT. If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, and rights which comprise such systems may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

CHAPTER 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, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. A franchise fee shall be charged. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

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

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

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

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

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

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

Section 11.02. RATES AND FINANCES. Upon recommendations made by the authorized agents or upon its own notion, the Council may fix rates, fares, and prices for municipal utilities but such rates, fares, and prices shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

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

Section 11.04. LEASE OF UTILITY. The Council may, if public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four members of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than twenty years.

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

Section 11.06. PUBLIC UTILITIES DEPARTMENT. The control, management and operation of all such public utilities may by an ordinance passed by four members of the City Council be committed to a board known as "Public Utilities Commission". The City Council may by ordinance make the sanitary sewer system, garbage and waste collection, disposal system, municipal airport or any other public utility from which revenue is, or may be derived, a part of the Public Utilities Department, or may in the same manner commit the supervision of any such sanitary sewer system, garbage waste collection and disposal system, municipal airport, and any other public utility in whole or in part to the Public Utility Department.

Section 11.06a. PUBLIC UTILITIES COMMISSION. The commission shall consist of five members who shall be residents and qualified electors of the City. Commissioners shall be appointed for five year terms in accordance with Section 2.10 of this Charter. In the event of resignation or vacancy for other reasons, a Commissioner shall be appointed by the Mayor to fill the unexpired term. The Commissioners shall be paid such salary, as the Council shall determine which shall be paid out of the Public Utilities Department funds.

Section 11.06b. ORGANIZATION OF COMMISSION. The Commission shall be organized by electing one of its members Chairperson, another Vice-Chairperson, and another Secretary, and such Secretary shall keep a record of the meetings of such Commission. The Commission may employ a Superintendent, and Engineer, and such other necessary help as will enable it to perform its duties under this Charter, and may discharge such employees at will. The City Attorney shall act as Attorney for the Commission, but in the event of conflict between the Commission and the City Council, the Commission may by unanimous vote of the Commissioners employ special counsel to represent it, and pay reasonable counsel fees as a part of the operating expense of the Public Utilities Department. The Commission may require a suitable bond from any employee as it may prescribe. Such bond premium shall be paid for from the Public Utilities Department Fund in whole or in part. The Commission shall prescribe the duties of all employees and shall fix their compensation. All accounts receivable to the City Utilities or any department under their supervision shall be paid to the City Clerk and proper credit and accounting thereof be made. That portion of the City Clerk's salary for services to any Utility or Departments under the supervision of the Utility Commission or of any other city employee rendering service necessary to the Utilities Department shall be a charge against said utility or department as the Utility Commission and the Council shall determine from time to time.

Section 11.06c. POWERS OF THE COMMISSION. Except as otherwise provided in this Charter, the Commission shall have control and power over the water, lights, power, central steam, gas system, and the distribution of any other source of energy that may be owned or operated by the City of Sleepy Eye at the time said Commission is created, or which may thereafter be acquired, owned or operated by the City, and shall have such other power and control over sanitary sewage system, garbage and waste collection and disposal system, municipal airport, and any other public utility as may be assigned to it by the Council. The Commission shall have the supervision of all buildings, structures, machinery, apparatus, equipment, materials, and supplies and all other property belonging or pertinent to the Public Utilities Department or under its control, and except as hereinafter provided, shall have full and exclusive control over all moneys, bonds, certificates of indebtedness, warrants, and other securities in any fund of the Department, provided, however, that the money of said Department shall be paid to the City Clerk and held as a part of the funds of the City of Sleepy Eye and shall be paid out in such manner as the Commission may direct. The Commission and its employees may enter upon any premises for the purpose of examining the same and making surveys and it may prosecute any action in the name of the City against any person for the use of water, light, central steam, power, gas or any other public utility, or for the injury of any of its property or works entrusted to its care. Without limiting the generality of the foregoing, the Commission shall have the power:

- (1) To provide for the regular meeting of the Commission, keep proper minutes thereof, and prescribe their own rules and procedure. The Commission shall meet at least once a month.
- (2) To operate each and all of said utilities and to do all things necessary for the economical management, control and operation thereof.
- (3) To keep the same in repair, and make necessary replacements, extensions, improvement, changes and additions thereto provided, however, that the Commission shall have no power to make any replacements, extension, improvements, changes, or additions which require the issuance of bonds by the City to pay for the same in whole or in part, or which are to be paid for in whole or in part by special assessments upon the property benefited thereby, but in such cases, the Commission shall recommend to the City Council in writing the making of such replacements, extension, improvements, changes or additions, whereupon the City Council may in its discretion, proceed to make the same or to order the Commission to make the same and to issue bonds or levy assessments upon benefited property, as the case may be, and to pay for the same in whole or in part. Upon completion of such replacements, extension, improvements, changes or additions, the Commission shall have

the control and management thereof, as provided herein with reference to any other property.

- (4) Making purchases of, or contracting for, supplies, materials, equipment or services shall be as per State law, which shall be under such rules or regulations as the Commission may prescribe. The Commission however reserves the right to accept or reject any or all bids. Subject to the provision of this section the Commission may by resolution adopt further regulations for making of bids or the letting of contracts. Should the commodity or service be of a strictly noncompetitive nature, the Commission may purchase the same without bids.
- (5) To fix and determine the rates and charges to be made for services furnished by such utilities, and to collect the same and all other earnings and revenues of said utilities, provided, however, that whenever any new schedule of rates is adopted from any of the utilities or change or alteration is made in any existing schedule, affecting either a part or all of the patrons of such utility, the Commission shall cause public announcement of such new schedule, or such change or alteration, to be made in the official newspaper of the City at least twenty days before such change becomes effective.
- (6) To prescribe the time and manner for which payment for all services shall be made, and provide for the discontinuance and termination of such services in case of non-payment, and in its discretion to require payment in advance for any and all such services.
- (7) To make and enforce rules a regulations pertaining to such services and the distribution and use thereof, and the operation of said utilities, and to prescribe penalties for the violations thereof.
- (8) To make a complete annual written report to the City Council with in thirty days after the expiration of the City's fiscal year and such report is to be filed with the City Clerk.

MISCELLANEOUS AND TRANSITORY PROVISIONS

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

Section 12.02. OATH OF OFFICE. Every 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, Councilperson, and other City officials) of the City of Sleepy Eye to be best of my judgment and ability."

Section 12.03. CONFLICT OF INTEREST INVOLVING CITY OFFICERS. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit financially, except as otherwise permitted by law.

Section 12.04. OFFICIAL BONDS. The City Clerk and such other officers or employees of the City as may be provided for by ordinance shall each before entering upon the duties of their 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 their official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds at the discretion of the Council. They shall be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The provision of the laws of this State relating to official bonds not inconsistent with this charter shall be complied with. The City shall pay the premiums on such bonds.

Section 12.05. SALES OF REAL PROPERTY. No real property of the City shall be disposed of except by ordinance adopted by four-fifths vote of all the members of the Council. 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 ordinance or resolution designate some other public use for the proceeds.

Section 12.06. VACATION OF STREETS. The Council may by ordinance approved by at least four members of the Council vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and the 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 RIGHTS AND OBLIGATIONS OF FORMER CITY. The City shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the City under the former charter.

Section 12.06. WHEN CHARTER IS TO BECOME EFFECTIVE. This Charter of the City of Sleepy Eye shall become effective and become the Charter of the City of Sleepy Eye, superseding any existing charter and amendments, as provided by the Constitution and Laws of the State of Minnesota.

Section 12.09. TENURE OF PRESENT ELECTED OFFICERS. The present elected officers of the City shall continue in their respective offices and functions and shall continue to govern in the usual manner upon the adoption of this amendment to the Charter of the City of Sleepy Eye; hereinafter named offices shall expire or be elected on the dates set opposite each respective officer as follows:

Office	Date of Expiration of Present Term Under this Amendment
Mayor -elected in 1997	1st Business day of January of 2001
Councilor at Large -elected in 1997	1st Business day of January of 2003
Councilor 1st Ward -elected in 1997	1st Business day of January of 2003
Councilor 1st Ward -elected in 1997	1st Business day of January of 2001
Councilor 2nd Ward -elected in 1997	1st Business day of January of 2003
Councilor 2nd Ward -elected in 1997	1st Business day of January of 2001

Section 12.10. 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 of the City of Sleepy Eye operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Sleepy Eye, and shall be construed as supplementary to the provisions of this charter.

Section 12.11. EXISTING ORDINANCES CONTINUED. All ordinances and regulations of the City in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 12.12. PENDING CONDEMNATIONS AND ASSESSMENTS. Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this charter takes effect be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 12.13. ORDINANCES TO MAKE CHARTER EFFECTIVE. The Council shall be ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.