

CHARTER  
OF THE  
CITY OF LAKE CRYSTAL  
MINNESOTA

The charter of the City of Lake Crystal, adopted on August 27<sup>th</sup>, 1912 AND amended on April 14, 1958, and again on April 3, 2006 is hereby amended by striking out all of the provisions thereof and substituting therefore the following:

**CHAPTER 1**

**NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS**

Sec. 1.1 NAME AND BOUNDARIES. The City of Lake Crystal, in the County of Blue Earth and State of Minnesota, shall, upon taking effect of this charter, continue to be a municipal corporation under the name and style of the "CITY OF LAKE CRYSTAL, MINNESOTA", with the same boundaries as now are or hereafter may be established.

Sec. 1.2 POWERS. 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 the United States. It is the intention of this charter that every power which the people of the City of Lake Crystal 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 provisions of this section. This charter shall be constructed liberally in favor of the city, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Sec. 1.3 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 days from and after its adoption by the voters.

**CHAPTER 2**

**FORM OF GOVERNMENT**

Sec. 2.1 FORM OF GOVERNMENT. The form of government established by this charter is the "MAYOR-COUNCIL PLAN". The council shall exercise the legislative power of the city and determine all matters of policy, subject to the initiative, referendum and recall powers of the people.

Sec. 2.2 ELECTIVE OFFICERS. The elective officers shall be a Mayor, and four council members, all of whom shall be qualified voters in the City of Lake Crystal, and

shall be elected at large. Each council member shall serve for a term of four years and until his successor is elected and is qualified, except that, at the first election held after the adoption of this charter, the two candidates for council member receiving the largest number of votes shall serve from January 2, 2007 to December 31, 2010 and the two candidates for council member receiving the next largest number of votes shall serve from January 2, 2007 to December 31, 2008. The mayor shall serve for a term of two years and until successors are elected and have qualified, except that, at the first election held after the adoption of this charter, the mayor shall serve from January 2, 2007 to December 31, 2008. Elections of the City of Lake Crystal for council member and mayor shall be held every two years, in even numbered years, with two council member terms and the mayor's term expiring and being open for election.

Sec. 2.3 INCOMPATIBLE OFFICES. No Mayor or member of the council may hold municipal office or employment under the city until one year after the expiration of his term as mayor or council member. No person may serve as mayor or council member who is an employee of the City of Lake Crystal or Lake Crystal Municipal Utilities without first resigning from that employment.

Sec. 2.4 VACANCIES. A vacancy in the office of mayor or of a council member shall be deemed to exist in case of the failure of any person elected thereto to qualify within thirty days from and after his election, or on or before the date of the second regular meeting of the new council, or by reason of death, resignation, removal from office, removal from the city, continuous absence from the city for more than six months, or conviction of a felony of any such person, whether before or after his qualification, or by reason of the failure of any mayor or council member, as the case may be, without good cause to perform any of the duties of his office 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 election, when the office shall be filled for the unexpired term. If the mayor or council member is called to active duty in the military service, this section shall not take effect and the mayor or council member would be able to maintain his office and stand for reelection.

Sec. 2.5 THE MAYOR. The mayor shall be a member of the council and shall be the presiding officer of the council, except that the council shall choose from its members a mayor pro-tem who shall hold office at the pleasure of the council and shall serve as mayor pro-tem in the mayor's absence and as mayor pro-tem in case of the mayor's temporary disability or absence from the city. The mayor shall have a vote in all the proceedings of the council. The mayor shall have the right to exercise all powers and perform all duties conferred upon him 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 purposes, by the governor 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. The mayor shall be charged with the enforcement of the law and shall be in command of the police.

Sec. 2.6 SALARIES. The mayor and the council shall receive salaries as determined by vote of the council. The mayor and council may from time to time raise the amount of compensation that is to be received. Any revision of the pay shall be effective after the next election of the mayor. The members of the council, when meeting as a board of equalization, shall each receive additional compensation as provided by state law.

Sec. 2.7 INVESTIGATION OF CITY AFFAIRS. The council and the mayor, or either of them, and any officer or officers formally authorized by them, or either of them, shall have the power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. 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 audit or examination 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 of municipal concern.

### **CHAPTER 3**

#### **PROCEDURE OF COUNCIL**

Sec. 3.1 COUNCIL MEETINGS. On the first business day of January, following a regular municipal election, the council shall meet at the council chambers in the city hall, where all regular meetings are to be held, and shall assume their duties of office. Thereafter, the council shall meet at such times each month as may be prescribed by resolution. The mayor or any two members of the council may call a special meeting of the council. Such notice shall be delivered personally to each member or shall be left at the usual place of residence with some responsible person. The proceedings of all council meetings shall be published in the official newspaper. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Sec. 3.2 SUBORDINATE OFFICERS. The council shall appoint and fix the compensation of a city administrator who shall serve for an indefinite term, and who shall also serve as secretary of the utilities commission. The compensation of the city administrator shall be paid by the city and the utilities commission proportionately as agreed upon by the council and utilities commission. The city administrator shall keep a journal of the council proceedings, a journal of the utilities commission proceedings, and such other duties as may be required by this charter, the council, or the utilities commission. The council shall choose and compensate such other officers and employees as may be necessary under this charter, who shall also serve for indefinite terms and may be removed by a majority vote of the council.

Sec. 3.3 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 majority may compel the attendance of absent members. When a member of the council, present at a meeting, abstains or fails to vote, such act shall be counted as a negative vote.

Sec. 3.4      **ORDINANCES, RESOLUTIONS AND MOTIONS.** Except as in this charter otherwise provided, all legislation shall be by ordinance. The aye and nay vote on ordinances, resolutions and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all members of the council shall be required for passage of all ordinances and resolutions except as otherwise provided in this charter.

Sec. 3.5      **PROCEDURE OF ORDINANCES.** The enacting clause of all ordinances shall be in the words, "The City of Lake Crystal does ordain". Every ordinance shall be presented in writing and read in full at a regular meeting. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced.

Sec. 3.6      **EMERGENCY ORDINANCES.** An emergency ordinance is an ordinance necessary for the immediate preservation of public peace, health, morals, safety, welfare in which the emergency is defined and declared in the preamble thereto, and is adopted by a vote of at least four members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the city administrator and posted in three conspicuous places or until the ordinance has been published, unless the person charged with the violation has actual notice of the passage of the ordinance prior to the act or omission of which he is charged.

Sec. 3.7      **PROCEDURE ON RESOLUTIONS.** Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of the resolution is dispensed with by unanimous consent.

Sec. 3.8      **SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.** Every ordinance or resolution passed by the city council shall be signed by the mayor, attested by the city administrator and filed and preserved by the city administrator. Every ordinance shall be published once in the official newspaper. To the extent and in the matter provided by law, an ordinance may incorporate, by reference a statute of Minnesota, a state administrative rule or regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Sec. 3.9      **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 in it. Every other ordinance except as provided in Section 5.9, shall take effect ten 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 date as is fixed therein.

Sec. 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 reference to the title alone, but such amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by enclosing it in parenthesis. In newspaper publication, or posted notices, the same indications of omitted or new matter shall be used, except that italics or bold-faced type may be substituted for underscoring, and omitted matter may be printed in capital letters within parenthesis.

Sec. 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 administrator for general distribution to the public free of charge or at reasonable charge. Distribution in such published form shall be sufficient notice of any ordinance provision not previously published or posted if a notice that copies of the codification are available at the office of the city administrator published in the official newspaper for at least two successive weeks.

## **CHAPTER 4**

### **NOMINATIONS AND ELECTIONS**

Sec. 4.1 REGULAR MUNICIPAL ELECTIONS. The first regular municipal election under this amended charter shall be held on November 7, 2006 and a regular municipal election shall be held thereafter on the first Tuesday after the first Monday in November of each even-numbered year commencing in 2006, at such place or places as the city council may designate. A Notice of Election shall be given to the city administrator fifteen days prior to holding such election. The Notice of Election shall include the time and place of holding such election and of the officers to be elected. The Notice of Election shall be posted in at least three public places in said city. A Notice of Election shall be published at least once in the official newspaper, but failure to give such Notice of Election shall not invalidate such election.

Sec. 4.2 SPECIAL ELECTION. The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform to that herein provided for other municipal elections.

Sec. 4.3 JUDGES (AND CLERKS) OF ELECTION. For each polling place the council shall, at least twenty-five days before each municipal election, appoint four qualified voters to be judges of election. The council is authorized to increase the number of election judges to ten for any municipal, state, or federal election.

Sec. 4.4 NOMINATIONS BY AFFIDAVIT OF CANDIDACY. The mode of nomination of all elective officers provided for by this charter shall be by Affidavit of Candidacy. The name of any qualified elector of the city shall be printed upon the ballot whenever an Affidavit of Candidacy as hereinafter prescribed shall have been filed in his behalf with the city administrator. All Affidavits of Candidacy shall be in the hands of the city administrator not less than fifty-six days before a primary election and not less than seventy days before the regular election, and the same may have a declaration of the candidate's principles attached. The city administrator shall prepare the ballots in a manner to be provided by state election laws.

Sec. 4.5 AFFIDAVIT OF CANDIDACY. An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an Affidavit of Candidacy with the city administrator. The affidavit shall be in substantially the same form as that in section 204B.06, subdivision 1 of the Minnesota Statutes. The city administrator shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the city whom they desire to be a candidate, if service of a copy of the affidavit has been made on the candidate and proof of service is endorsed on the affidavit being filed. Upon receipt of the proper filing fee, the filing fee established by ordinance, the city administrator shall place the name of the candidate on the official ballot without partisan designation.

Sec. 4.6 CANVASS OF ELECTION. The Council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof according to law. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled and defective ballots; (c) the vote of 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 (f) such other information as may seem pertinent. The city administrator shall forthwith notify all persons elected of the fact of their election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the "flipping of a coin" in the presence of the council.

Sec. 4.7 PROCEDURE AT ELECTIONS. The conduct of elections shall be regulated by ordinance subject to the provisions of this charter and of the general laws of the State of Minnesota.

## **CHAPTER 5**

### **INITIATIVE, REFERENDUM AND RECALL**

Sec. 5.1 POWERS RESERVED BY PEOPLE. The people of the City of Lake Crystal reserve themselves the power, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, except an ordinance appropriating

money or authorizing the levy of taxes, to require such and ordinance passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the Initiative, the Referendum, and the Recall, respectively.

Sec. 5.2 FURTHER REGULATIONS. The council may, as soon as possible after the organization of the city government under this charter, provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance may include the relevant provisions of this charter.

### INITIATIVE

Sec. 5.3 INITIATION OF MEASURES. Any five electors may form themselves into a committee for the initiation of any measure of public concern, except as provided in Section 5.1. Before circulating any petition, they shall file a verified copy thereof with the city administrator, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Sec. 5.4 FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any measure shall consist of the measure, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to ten percent (10%) of the total number of votes cast for all candidates for mayor at the last preceding general municipal election, but in any case, no less than fifty voters. 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 is purports to be. Each signature paper shall be in substantially the following form:

### INITIATIVE PETITION

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

Name

Address

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

**Sec. 5.5 FILING OF PETITION AND ACTION THEREON.** All the signature papers shall be filed in the office of the city administrator as one instrument. Within five days after the filing of the petition, the city administrator or city attorney shall ascertain by examination the number of electors whose signatures are appended thereto, and whether this number is as provided for in Section 5.4 above. If the city administrator or city attorney finds the petition insufficient or irregular, he shall, by mail, at once notify one or more of the committee of sponsors of that fact, certifying the reasons for this finding. The committee shall be given thirty 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 insufficient or irregular, the city administrator shall file the same in his 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 purposes, nor shall it prevent the council from referring the measure to the electors at the next regular or special election.

**Sec. 5.6 ACTION OF COUNCIL ON PETITION.** Whenever the petition shall be found to be sufficient, the city administrator 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 measure 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 measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measures were submitted to the council by the city administrator. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted to the electors at the next regular municipal election; but, if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of voters cast for all candidates for mayor in the last preceding general municipal election, and if the next regular municipal election is to

occur more than three months from the date of submission of the petition to the council, the council shall call a special election upon the measure to be held not less than thirty days nor more than forty-five days from the date of submission of the petition to the council. Otherwise, the council passed the proposed measure with the amendments and if at least four-fifths of the committee of petitioner fail to express their dissatisfaction with such measure in amended form by a certificate filed with the city administrator within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

Sec. 5.7 INITIATIVE BALLOTS. The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "for the measure" or "against the measure". If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city, as the case may be. Any number of proposed measures may be voted upon at the same election, but in any case there shall be more than one, the voters shall be allowed to vote for or against each separately.

Sec. 5.8 INITIATION OF CHARTER AMENDMENTS. Nothing in this charter contained shall be constructed as in any way affecting the right of the electors under the constitution and the statutes of Minnesota to propose amendments to this charter.

## REFERENDUM

Sec. 5.9 THE REFERENDUM. If, prior to the date when an ordinance or resolution takes effect, a petition signed by qualified electors of the city, equal in number to ten percent (10%) of the total number of votes cast for all candidates for mayor at the last preceding general municipal election, but in any case, no less than fifty voters, is filed with the city administrator requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the sections thereof to which objection has been raised by the petitioners, or by aye or nay vote reaffirm its adherence to the measure as passed. In the latter case, the council shall immediately order a special election to be held thereon or submit the measure at the next regular municipal election, pending which the ordinance or resolution shall remain suspended. If a majority of voters voting thereon are opposed to the measure, it shall not become effective; but, if a majority of the voters voting thereon favor the measure, it shall go into effect immediately or on the date therein specified.

Sec. 5.10 REFERENDUM PETITIONS. The requirements laid down in Sections 5.3 and 5.4 as to the formation of committees for the initiation of measures 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, resolution, or any part thereof, as the case may be, stating the purpose of the measure, a copy of which ordinance, or resolution is hereto attached. The proposed repeal is sponsored by the following committee of electors:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned petitioners understanding the nature of the measure hereto attached, and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Sec. 5.11 REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 5.7 of this charter for initiative ballots.

RECALL

Sec. 5.12 THE RECALL. Any twenty-five (25) electors may form themselves into a committee for the purpose of bringing about the recall of any elected official of the city. The committee shall certify to the city administrator the name of the elected official whose removal is sought, stating the grounds for removal in not more than two hundred fifty words and their intention to bring about the elected official's 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.

Sec. 5.13 RECALL PETITION. The recall petition for any elected official shall consist of a certificate identical with that filed with the city administrator 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 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 in substantially the following form:

RECALL PETITION

Proposing the recall of \_\_\_\_\_ from elected office as \_\_\_\_\_, which recall is sought for the reason set forth in the attached certificate. This movement is sponsored by the following committee of electors:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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

Sec. 5.14 FILING OF PETITION. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city administrator. The city administrator shall examine the same within the next five days and if the city administrator finds it irregular in any way, or finds that the number of

voters is less than thirty-five percent (35%) of the total number of votes cast for all candidates for mayor at the last preceding general municipal election, but in no case, less than one hundred voters, the city administrator shall, by mail notify one or more members of the committee. The committee shall then be given ten 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 that time, the city administrator finds the petition insufficient, or irregular, the city administrator shall notify all the members of the committee to that effect and shall file the petition in the city administrator's office. No further action shall be taken thereon.

Sec. 5.15 RECALL PETITION. If the petition or amended petition be found sufficient, the city administrator shall transmit it to the council without delay, and shall officially, by certified mail, 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 nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Sec. 5.16 PROCEDURE AT RECALL ELECTION. In the published call for the election, whether posted on the bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall, and also, in not more than two hundred and fifty words, the answer of the elected official concerned in justification of his course of conduct in office. Candidates to succeed the elected official to be recalled shall be nominated in the usual way, and the election shall be conducted as fair as possible, in accordance with the usual procedures in any municipal election.

Sec. 5.17 FORM OF RECALL BALLOT. Unless the elected official whose removal is sought shall have resigned 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 'A' be recalled?" The name of the elected official whose recall is sought being inserted in place of 'A' 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 sought to fill place of 'A' if recalled". The elected official whose recall is sought shall not himself be a candidate upon such ballot. In a case majority of those voting for and against the recall of any elected official shall vote in favor of recalling such elected official, the elected official shall thereby be removed from office, and in that event, the candidate who receives the highest number of votes for the elected official's position shall be elected thereto for the remainder of the unexpired term. If the elected official sought to be recalled shall have resigned within ten days after the receipt of the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form is in use at the regular municipal election.

## CHAPTER 6

## **ADMINISTRATION OF CITY AFFAIRS**

Sec. 6.1 COUNCIL ADMINISTRATION. The entire management and administration of the city affairs, including all executive and administrative powers, authority, and duties, except such executive authority as may by this charter vested in the Public Utilities Commission, shall be vested in the City Council.

Sec. 6.2 DEPARTMENT ADMINISTRATION. The council may create such departments, divisions and bureaus for administration of the city's affairs as may seem necessary and from time to time alter the powers and organization of the same. It may, in conjunction with the city mayor, prepare a complete administrative code for the city, and enact the same in the form of an ordinance, which may be amended from time to time by ordinance.

Sec. 6.3 PURCHASES AND CONTRACTS. All the purchases on behalf of the city shall be made, and all contracts let, by the city council. All such contracts, bonds, and instruments of every action shall be signed by the mayor and countersigned by the city administrator on behalf of the city, and shall be executed in the name of the city.

Sec. 6.4 CONTRACTS. In all cases of work to be done by contract, or of the purchase of property of any kind, when the amount involved is more than \$35,000.00 (thirty-five thousand dollars), unless the council by an emergency resolution shall provide otherwise, the council shall advertise for bids in the official paper of the city. In all cases where the contract is for between \$10,000.00 (ten thousand dollars) and \$35,000.00 (thirty-five thousand dollars) the contract may be made by sealed bid or by direct negotiation, by obtaining two or more quotations of the costs, when possible. Contracts shall be let to the lowest reliable and responsible bidder, provided however, the council may reject any and all bids. Nothing contained in this section shall prevent the council from contracting by a four-fifths (4/5) vote for doing of work with patented processes, or from purchasing patented appliances by the same majority. The council by ordinance may further regulate the making of bids and the letting of contracts.

## **CHAPTER 7**

### **TAXATION AND FINANCE**

Sec. 7.1 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 safekeeping and disbursements of public moneys, and in the exercise of a sound discretion shall make appropriations for payment of all liabilities and expenses.

Sec. 7.2 FISCAL YEAR. The fiscal year of the City of Lake Crystal shall be the calendar year.

Sec. 7.3      **SYSTEM OF TAXATION.** The council shall have full power to provide by ordinance for a system of local taxation.

Sec. 7.4      **BOARD OF EQUALIZATION.** The council shall constitute a board of equalization and shall meet as such in the usual place of holding council meetings to equalize the assessments of property for taxation purposes according to law.

Sec. 7.5      **PREPARATION OF THE ANNUAL BUDGET.** The city administrator shall prepare the estimates for the annual budget and submit it to the council for approval. The budget shall be by funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include any such funds at the discretion of the council. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance, and repairs); and, (2) payment of principal and interest; and, (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses will be subdivided into (a) salaries and wages with a list of all salaried officers, salaries, 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 completed fiscal year, as far as possible, for the current year. In addition to the estimates of expenditures, the estimate shall include for each budgeted fund a statement of the revenues which have accrued for the past completed fiscal year, with the amounts collected and the uncollected balances, together with the same information, as far as possible, 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) sums received from the Public Utilities Commission, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten, and there shall be at least twelve copies, one for each of the council members, one for the city administrator, and one for the city mayor, and one copy will be submitted to the council at its firsts regular meeting in September of each year.

Sec. 7.6      **PASSAGE OF THE BUDGET.** The Budget shall be the principal item of business at the first regular meeting of the council in September of each year, and the council shall hold adjourned meetings from time to time until all estimates have been considered. The meeting shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may be pertinent to them. The budget estimates shall be read in full, and the city administrator 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 picture of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget

by resolution in December of each year or as otherwise directed by the State of Minnesota.

**Sec. 7.7 ENFORCEMENT OF BUDGET.** It shall be the duty of the city administrator to enforce strictly the provisions of the budget. The city administrator shall not approve any order upon the city for any expenditure unless an appropriation has been made in the budget, nor for an expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sums of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchase except for the purpose and to the amounts authorized in the budget resolution.

**Sec. 7.8 ALTERATIONS TO THE BUDGET.** After the budget resolution shall have been duly adopted, the council shall have no power to increase the amounts therein fixed whether by the insertion of new items, or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event, beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other. The council may, at any time, by a resolution passed by a four-fifths (4/5) vote, reduce the sums appropriated for any other purpose, or authorize the transfer of sums from unencumbered balances in the budget to other purposes.

**Sec. 7.9 LEVY AND COLLECTION OF TAXES.** On or before the second regular meeting of December, or as otherwise directed by the State of Minnesota, of each year, the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city administrator shall transmit to the county assessor annually, not later than the twenty-fifth of December or as otherwise directed by the State of Minnesota, a resolution of all taxes levied, and such taxes shall be collected and the payment thereof enforced with, and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied exceeds the amount required to be raised for the special purpose for which the same is levied, but in that case, the surplus shall be deposited into the fund to which such tax belongs.

**Sec. 7.10 DISBURSEMENTS.** All disbursements shall be made only upon the order of the mayor and city administrator duly authorized by a motion of the council, and every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. No 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 incumbrances upon the fund. No contract requiring the payment of money by the city shall be valid unless the particular fund, out of which the same is paid, is specified in such contract. No claim against the city shall be allowed unless accompanied by an itemized statement and voucher sworn to, payroll or time sheet signed by the responsible city official who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council

may, by ordinance, make further regulations for the safe keeping and disbursement of the city fund.

Sec. 7.11 FUNDS. There shall be maintained in the city treasury the following funds for the support of which the council may levy taxes:

- (a) A general fund for the support of such other funds and for the payment of such expenses of the city as the council may deem proper.
- (b) A bond fund, into which shall be paid, and from which 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 special separate bond account shall be kept for each issue of such bonds.
- (c) A permanent improvement revolving fund to be used to finance local improvements to be financed wholly or in part from special assessments against benefited property, into which fund shall be paid collections of special assessments, with interest, levied against benefited property, the proceeds of bonds, warrants, or certificates sold to finance local improvements to be paid for wholly or in part by special assessments, the proceeds of inter-fund loans, and funds from other city funds representing apportionment of costs against the city at large, benefit assessments against city property, or appropriations to maintain the integrity of the fund. There shall be paid out of this fund: All expenses and cost of the improvement projects financed through this fund; the redemption of all public improvement revolving fund obligations with interest and any inter-fund loans; and abatement of assessments and refund of receipts in error.

In order to anticipate the collection of special assessments and the municipal share of the cost of a local improvement, the council may, by 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: uncollected assessments levied, cost of work in progress to be financed in whole or in part by special assessments, and the cash reserve for working capital as previously determined by ordinance.

When a local improvement, to be financed wholly or in part by special assessments, is undertaken under any applicable statute, any provision of this subdivision inconsistent with statute shall not apply.

- (d) There may be maintained in the city treasury, such other funds as may be required by statute or resolution of the council.

The council shall have full power, by ordinance or resolution, to make inter-fund loans except from trust or agency funds. The council is further authorized to appropriate funds to increase the amount of money in any fund.

Sec. 7.12 RECEIPTS. All receipts of money belonging to the city, or any branch thereof, and also all money received upon tax settlements from the county treasurer, shall be deposited as soon as received, or at the close of the business day, in the bank or banks as designated as depository by the city council. Such depository shall give sufficient bond to be approved by the city council.

Sec. 7.13 ACCOUNTS AND REPORTS. The city administrator 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 in accord with it. The city administrator shall submit to the council a statement each month showing the amount of money in the custody of the city, 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 relative to the finances of the city as the council may require. The city administrator shall submit a report to the council covering the entire financial operations of the city for the past fiscal year, at least once a year or more often if requested by the council. The report shall show the actual total receipts and the actual total expenditures, omitting duplications and starting the cash balances at the beginning and close of the fiscal year; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, and the rate of interest of each; the condition of all annual budget allowances; an inventory of all the property owned by the city, and such further information as the council shall require.

Sec. 7.14 BONDED DEBT. Except as authorized in Sec. 7.15 and 7.16, bonds shall not be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law. No obligations shall be issued and sold without the approval of the electors, except in cases of issue and sale of obligations which are authorized by this charter or by state law without such approval by the electors.

Sec. 7.15 TAX ANTICIPATION CERTIFICATES. At any time after January 1<sup>st</sup>, 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 (90%) of the total current taxes of 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 six percent (6%) per annum,

but they shall become due and payable not later than the first day of April of the year following the 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.

Sec. 7.16 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, then the council may by ordinance authorize the sale by the city and sell emergency debt certificates to run not to exceed two years and bear interest at a rate not to exceed six percent (6%) per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall take form of an ordinance approved by a vote of four-fifths of the members of the council. The ordinance may be passed as an emergency ordinance.

## **CHAPTER 8**

### **PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

Sec. 8.1 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City of Lake Crystal shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all or any part of the cost of such improvements as are of local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property.

The council may, by a four-fifths (4/5) vote of all its members, order that the cost and expense of all or any part of any local improvement in this chapter mentioned, to be paid out of the appropriate fund, or general fund, of the city without assessment on the property benefited.

Sec. 8.2 ASSESSMENTS FOR SERVICES. The council may by ordinance provide that the cost of sprinkling, snow removal, rubbish removal, or of any other service to the street, sidewalks, alleys, or other public property, or the cost of any services to other property undertaken by the city may be assessed against the property benefited and collected as are special assessments.

Sec. 8.3 LOCAL IMPROVEMENT PROCEDURE. 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 thereto.

The council may adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. In the absence of such ordinance, all local improvements may be made and assessments levied therefor as prescribed by statute.

Sec. 8.4 PUBLIC WORKS. Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly or by day of 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.

## **CHAPTER 9**

### **EMINENT DOMAIN**

Sec. 9.1 POWER TO ACQUIRE PROPERTY. The City of Lake Crystal is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal, or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, heat, power, light, telephone, or other plant or other public utility; but no proceeding to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be so acquired. 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.

Sec. 9.2 PROCEEDING IN TAKING PROPERTY. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be, and state the use to which it is 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.

Sec. 9.3 PAYMENT OF AWARD. Whenever an award of damages shall be confined in any proceeding for the taking of property under this charter, or whenever the court shall render final judgment in any appeal from such award, and the time for abandoning such proceedings by the city shall have expired, the city shall, within sixty days of such final determination, pay the amount of the award or judgement of the court as the case may be; and, if not so paid, judgement therefor may be had against the city.

Sec. 9.4 CITY MAY ABANDON PROCEEDINGS. The city may, by resolution of the council at any stage of the condemnation proceedings, and at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

Sec. 9.5 CITY MAY TAKE ENTIRE PLANT. In case the city shall condemn 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 such condemnation proceedings, or any of the proceedings of the council, to describe or treat separately, the different kinds of property comprising such system, but all the property, lands, articles, franchises, and rights which comprise such system, may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump may be made by the commissioners on condemnation or other body assessing the damages on condemnation. This shall not prevent the city, in cases where the plant and property is separable into distinct parts, from acquiring only such part of parts thereof as may be necessary in the public interest.

## **CHAPTER 10**

### **FRANCHISES**

Sec. 10.1 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 therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the city administrator to guarantee publication before the ordinance is passed.

Sec. 10.2 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.

Sec. 10.3 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.

Sec. 10.4 POWER OF REGULATION RESERVED. Subject to any applicable law, the council may by ordinance 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.

Sec. 10.5 LIABILITY OF GRANTEE. The franchise grantee shall indemnify and save the city harmless from any and all claims for personal injury or damage to property occasioned by, or arising out of the conduct in the city of the grantee's business under the franchise.

Sec. 10.6 RENEWALS OR EXTENSIONS. Every extension, renewal, or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## **CHAPTER 11**

### **PUBLIC OWNERSHIP AND OPERATION OF UTILITIES**

Sec. 11.1 ACQUISITION AND OPERATION OF UTILITIES. The city shall have the power to acquire public utilities as provided in Chapter 9 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the Utilities Commission.

Sec. 11.2 UTILITIES COMMISSION. There is hereby created and established in the City of Lake Crystal a Utilities Commission with the powers as hereafter defined.

Sec. 11.3 APPOINTMENT AND QUALIFICATIONS. The utilities commission shall consist of three members, each of whom shall be a citizen and qualified voter of the city, and shall have been a resident of the city for five years immediately prior to the date of appointment. The utilities commission members shall be appointed by the council by majority vote.

Sec. 11.4 VACANCY, DEATH, RESIGNATION AND REMOVAL. Vacancies on the utilities commission, caused by the death or resignation of a member of the utilities commission, or by reason of any other cause, shall be filled by appointment by the council for the duration of the unexpired terms.

Sec. 11.5 TERM OF OFFICE. The term of office of the utilities commission members shall be three years. Each member shall hold office until his successor is appointed and has qualified. Each member of the utilities commission shall file his oath of office, but shall not be required to file a bond for the faithful performance of his duties.

Sec. 11.6 REMOVAL OF MEMBERS OF COMMISSION. Any member of the commission may be removed from his office by a four-fifths (4/5) vote of the entire city council, but no such member shall be removed except for cause and until he has had furnished to him a written statement of the charges against him, and has had a reasonable opportunity to be heard in his defense.

Sec. 11.7 COMPENSATION OF MEMBERS. Members of the utilities commission shall each receive compensation as determined by the city council. Each member shall

receive the same compensation. The city council may adjust the compensation of the members of the Utility Commission by a four-fifths (4/5) majority vote of the city council. The utilities commission members may be paid not to exceed \$100.00 each for actual and necessary expenses in any one year. The city council may, by a four-fifths vote (4/5) majority vote, authorize the payment of expenses in excess of such amount.

Sec. 11.8 POWERS AND DUTIES OF THE COMMISSION. Except as otherwise provided in this chapter, the commission shall have the full and exclusive control of power over all municipally owned utilities, including but not limited to the entire water works system, storm and sanitary sewers, including sewage disposal plant, the electric power plant and distribution system, now owned or operated by the city, including all buildings, structures and property belonging or appurtenant to the same, and shall have full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in the current fund or any other fund of the commission as now established and such as may be issued and created in the future.

The commission shall have power:

- (a) To fix the time and place of its regular meetings, which shall be held at least once each month. Two members of the commission may call special meetings upon reasonable notice given by the secretary to each member of the commission. The commission shall determine the rules and order of its business. Two of the members of the commission shall constitute a quorum.
- (b) To operate all of said utilities and buildings and to do all things necessary for the economical management, control and operation thereof, and to make all replacements, improvements, extensions and additions.
- (c) To fix and determine the rates and charges to be made for all services and commodities furnished, and to collect the same, to collect all other revenues of utilities under its control and to fix penalties and enforce same for non-payment and commodities.
- (d) To enter into, perform and enforce contracts in the name and behalf of the city and to carry out the purpose herein expressed.
- (e) The utilities commission shall make reasonable charges to the city based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility, service or commodity and other reasonable charges and rentals for supplying the city. Such rentals and other charges aforementioned for light, heat, water, power and other services or commodities shall be collected in the same manner as from other customers.

- (f) The commission shall have the right to the reasonable use of the streets, alleys, and public grounds of the city for the purpose of maintaining and operating such utilities.
- (g) The utilities commission may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk, and resell them to local consumers that will have such rates as may be fixed which shall be just and reasonable.
- (h) The utilities commission shall not have the power to levy special assessments upon property.

Sec. 11.9 VOTERS TO APPROVE SALE, LEASE, OR ABANDONMENT.

- (a) No sale, lease, or abandonment of any public utility now or hereafter at any time owned by the city, nor any part thereof, shall be initiated unless said sale, lease, or abandonment is first approved by a resolution to that effect adopted by a two-thirds (2/3) vote of the utilities commission.
- (b) Said resolution being so adopted, shall then be presented to the city council for their confirmation. Said resolution, if adopted by a four-fifths (4/5) vote of the city council, shall be submitted to the voters at a regular or a special election thereon and shall be legally adopted only if approved by two-thirds (2/3) of the electors voting thereon.

Sec. 11.10 OFFICERS. At the first regular meeting in January of each year, the commission shall elect from their number a chair person and vice-chair person who shall hold office for one year and until their successors are elected.

As soon as the commission is organized, a superintendent of the electric utility shall be appointed by the commission, who shall hold office at the pleasure of the commission. Duties and compensation of the electric utility superintendent shall be determined by the commission.

Sec. 11.11 DUTIES OF THE CHAIR PERSON. The chair person shall preside at all meetings of the commission and shall sign all orders, orders for payment of funds, and contracts authorized by the commission.

Sec. 11.12 DUTIES OF THE VICE-CHAIR PERSON. The vice-chair person shall perform the duties of the chair person in case of the latter's absence or disability.

Sec. 11.13 DUTIES OF THE SECRETARY. The secretary shall have the following powers and duties:

- (a) The city administrator of the City of Lake Crystal shall be and act as secretary of the utilities commission, but shall have no vote in the proceedings of the commission.
- (b) The secretary shall attend all meetings of the commission; keep and accurate record of all proceedings; shall be the custodian of all records of the commission; shall keep a complete set of accounts of the financial affairs of the commission; shall receive all monies and deposit them in the official depository to the credit of the commission and shall sign all orders of payment of funds and all contracts authorized by the commission.
- (c) The secretary shall make a monthly financial report to the commission, which shall be written; the secretary annually shall, make a detailed written financial report for the prior fiscal year to the commission and to the city council.
- (d) The secretary shall have such powers and duties as may be prescribed by the commission.

Sec. 11.14 ANNUAL PAYMENTS TO CITY. In lieu of taxes, the utilities commission shall annually, not later than July 1st, pay over, from reserves provided for such purpose, to the city council for retirement of municipal bonds a Franchise Fee. The Franchise Fee shall be established by city ordinance and can be amended by the City Council. If there are no outstanding general obligation bonds of the city, then the Franchise Fee payment shall be placed in the general fund of the city for any lawful use by the city. This provision shall not be constructed as a maximum limitation on payments by the utilities commission to the city.

Sec. 11.15 RATIFICATION OF PRIOR ACTIONS. All actions and proceedings of the Lake Crystal Light and Power Commission, heretofore existing, are hereby ratified and confirmed.

## **CHAPTER 12**

### **MISCELLANEOUS AND TRANSITORY PROVISION**

Sec. 12.1 OFFICIAL PUBLICATIONS. The council shall annually designate a legal newspaper of general circulation in the county 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.

Sec. 12.2 OATH OF OFFICE. Every officer of the city shall, before entering upon the duties of office, take and subscribe to 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, council, utilities commission, etc.) of the City of Lake Crystal, Minnesota to the best of my judgement and ability.”

**Sec. 12.3 CITY OFFICERS NOT TO BE INTERESTED IN CONTRACTS.** Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

**Sec. 12.4 OFFICIAL BONDS.** The city administrator, utilities commission secretary, and such other officers or employees of the city as may be provided for by ordinance, shall each, before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city administrator. The provisions of the laws of the state relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the city.

**Sec. 12.5 SALES OF REAL PROPERTY.** No real property of the city shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for this same public purpose. If there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

**Sec. 12.6 VACATION OF STREETS.** The council may, by ordinance approved by four-fifths vote 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.

**Sec. 12.7 CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY.** The city shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the city under the former Charter.

**Sec. 12.8 PRESENT OFFICERS TO HOLD OFFICE.** The present officers of the city, (except the present members of the Light and Power Commission,) shall continue in their present offices and functions, and shall continue to govern the city in the usual manner until December 31, 2006. They shall make such financial and other provisions for the fiscal year 2006 as will serve to carry on the government until a government has been established under this Charter, and they shall make provisions for the election of the first city council as provided for in Chapter 2 of this Charter. (The present Light and

Power Commission members shall continue in office until expiration of their respective terms.)

Sec. 12.9 STATUTES NOT AFFECTED BY CHARTER. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Lake Crystal operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Lake Crystal, and shall be construed as supplementary to the provisions of this Charter.

Sec. 12.10 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 they are amended or repealed.

Sec. 12.11 PENDING CONDEMNATIONS AND ASSESSMENTS. Any condemnation or assessment proceeding when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Sec. 12.12 TORT LIABILITY EXEMPTION. The city shall be absolutely exempt from liability to any person for damages or injuries suffered or sustained by reason of defective sidewalks and curbs and gutters within the city unless actual written notice of such defects in said sidewalks or curbs and gutters shall have been filed with the city administrator at least ten days before the occurrence of such injury or damage on account of such defects, and in all cases such notice shall describe with particularity the place and nature of the defects of which notice is given.

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

Passed and Adopted April 3, 2006  
Effective July 6, 2006