

CHARTER OF THE CITY OF BROWERVILLE

CHAPTER 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1. Name and boundaries. Upon the taking effect of this charter the City of Browerville, in the County of Todd, shall continue to be a municipal corporation with the same boundaries as are now or hereafter may be established.

Section 2. Powers of the city. The City of Browerville shall be a municipal corporation having the powers and rights and being subject to the duties of municipal corporations at common law. By and in its corporate name, it shall have perpetual succession, may sue and be sued, may use a corporate seal, may acquire, either within or without its corporate limits, such real and personal property as the purposes of the city may require, by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interests require. It may contract with the county or other municipalities for such joint service and utilities as may seem desirable and for all other legitimate purposes. The city shall have and exercise all powers, functions, rights and privileges possessed by it as a village prior to the adoption of this charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations having home rule charters by the constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this charter. The specific mention of particular municipal powers in this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Section 3. Existing ordinances continued. All ordinances and regulations of the City of Browerville in force when this charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed.

Section 4. 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.

CHAPTER 2. FORM OF GOVERNMENT

Section 5. The council and its powers. The city shall be governed by a city council consisting of a mayor and four council members. Three members shall constitute a quorum although a smaller number may adjourn from time to time. All discretionary powers of the city shall vest in and be exercised by the city council. Unless otherwise enlarged or restricted herein, the council shall have all of the powers conferred by Minnesota Statutes section 412.221 upon a city council, and the provisions of said statute, except as inconsistent with this charter, are hereby incorporated herein by reference.

Section 6. Boards. The council shall itself be, and shall perform the duties and exercise the powers of, the economic development authority. It may, however, create temporary commissions with advisory powers to investigate any subject of interest to the municipality, and also a commission to prepare a city plan subject to the approval of the council. Such commissions may be given the power to administer oaths, and to compel the attendance of witnesses and the production of books, papers, and other documentary evidence.

Section 7. Elective officers. The elective officers of the city shall consist of the mayor and four council members, who shall be qualified electors and who shall be elected in the manner provided by Minnesota law. The council members shall serve for terms of four years, and the Mayor shall serve for a term of two years. All officers chosen and qualified as such shall hold office until their successors qualify. Vacancies in office shall be filled for the remainder of the term by the council; in case of a tie, the mayor shall fill the vacancy by appointment for the unexpired term.

Section 8. Acting mayor. At its first meeting each year the council shall choose an acting mayor from the council members. He shall perform the duties of mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies.

Section 9. Meetings of the council. Regular meetings of the council shall be held at such times and places as may be prescribed by resolution except that they shall meet not less than once each month. Special meetings may be called by the mayor or by any two members of the council upon at least twelve hours' notice to each member of the council, such notice to be delivered personally to each member or given to some responsible person at the member's usual place of residence. The mayor, or in his absence, the acting mayor, shall preside. All meetings of the council shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish nonattendance and shall be the judge of the election and qualification of its members. The council shall have power to regulate its own procedure. The council may publish all or any part of the official council proceedings in the official newspaper. In the case of partial publication the published proceedings shall indicate in what respects they are incomplete.

Section 10. Enactment of ordinances. Every ordinance shall be enacted by a majority vote of all the members of the council. It shall be signed by the mayor, attested by the city administrator, and published once in the official newspaper. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after its publication. The enacting clause of all ordinances passed by the council shall be in the words: "The City of Browerville does ordain".

Section 11. Mayor, council members; salaries: The council may by ordinance fix the salaries of the mayor and council members.

Section 12. Execution of instruments. Every contract, conveyance, license or other written instrument shall be executed on behalf of the city by the mayor and city administrator, with the corporate seal affixed, and only pursuant to authority from the council.

CHAPTER 3. ELECTIONS

Section 13. Election date. The regular municipal election shall be held on the first Tuesday after the first Monday of November in even-numbered years. The mayor and two council members shall be elected in each even-numbered year. The mayor shall serve for two years and council members shall serve for four years.

Section 14. Special elections. Special elections may be held in the city on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the city council on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to twenty percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. In case of a tie, the proposal shall be deemed lost. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election. No special election authorized under this section may be held within forty days after the state general election.

Section 15. Affidavit of candidacy.

- A. Filing requirements; fee. 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 Minnesota Statutes section 204B.06, subdivision 1. 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 application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, in such amount as set out in Minnesota Statutes section 205.13, the city administrator shall place the name of the candidate on the official ballot without partisan designation. An affidavit of candidacy must be filed not more than seventy days and not less than fifty six days before the municipal general election.
- B. Notice of filing dates. At least two weeks before the first day to file affidavits of candidacy, the city administrator shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the administrator's office and the closing time for filing on the last day for filing. The administrator shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

- C. Petition in place of fee. A candidate for municipal office may file a petition in place of the filing fee. The petition shall meet the requirements of Minnesota Statutes section 204B.11, subdivision 2.
- D. Withdrawal. A candidate for a municipal elective office may withdraw from the election by filing an affidavit of withdrawal with the city administrator by 12 o'clock noon of the day after the last day for filing affidavits of candidacy. Thereafter, no candidate may file an affidavit of withdrawal.

Section 16. Judges and clerks. The city council shall appoint judges of elections subject to the qualifications and restrictions provided by law.

Section 17. Conduct of elections. All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

CHAPTER 4. TAXATION AND FINANCE

Section 18. Council to control. 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 disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 19. Fiscal year. The fiscal year shall be the calendar year.

Section 20. Levy and collection of taxes. The council shall make its annual tax levy by resolution within the per capita limits established by statute. 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 and to change the same from time to time. Insofar as the city procures a revenue from taxes upon real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

The council shall levy by resolution the taxes necessary to meet the requirements of the city for the ensuing fiscal year. The city administrator shall transmit to the county auditor annually, as required by Minnesota Statutes section 275.07, subdivision 1, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes.

Section 21. Board of equalization. The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings at the time fixed by and pursuant to law.

Section 22. Tax settlement. The city administrator shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

Section 23. Tax anticipation certificates. The council may issue certificates of indebtedness in anticipation of the collection of taxes levied as provided for in Minnesota Statutes section 412.261, which statute is hereby incorporated herein by references and made applicable to the City of Browerville.

Section 24. Disbursements. Minnesota Statutes section 412.271, subdivision (1), effective July 1, 1954, and subdivisions (2), (3) and (4) are hereby incorporated herein by reference and hereby made applicable to the City of Browerville.

CHAPTER 5. FUNDS

Section 25. Funds maintained. There shall be maintained in the city treasury a general fund for the payment of such expenses of the city as the council may deem proper and such other funds as may be required by the statutes incorporated herein by reference and such other funds as the council may establish.

CHAPTER 6. LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 26. Power to make improvements and levy assessments. The city 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 such as are of a local character. Minnesota Statutes chapter 429, and any statute amendatory thereof or supplemental thereto which by its terms is applicable to cities of the fourth class having a home rule charter, is hereby made applicable to the City of Browerville.

CHAPTER 7. MUNICIPAL UTILITIES

Section 27. Authority to own and operate. The city may own and operate any waterworks or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

Section 28. Vote on establishment. No such public utility shall be constructed, purchased, or leased until the proposal to do so has been submitted to the voters at a regular or special election and has been approved by a majority of these voting on the proposition. Such proposal shall state whether the public utility is to be constructed, purchased or leased and the estimated cost or the maximum amount to be expended for that purpose. This proposal and a proposal to issue bonds to raise money therefore may be submitted either separately or as a single question. The proposal for the acquisition of the public utility may include authority for distribution only or for generation or production and distribution of a particular utility service or group of services.

Section 29. Extension bond limitations. The city may, except as otherwise restricted by this section, extend any such public utility outside its limits and furnish service to consumers in such area at such rates and upon such terms as the council shall determine; but no such extension shall be made into any incorporated municipality without its consent. The sale of electricity, other than surplus, outside the limits of the city shall be subject to the restriction of Minnesota Statutes section 455.29.

Section 30. Lease, sale, or abandonment. Any such utility may be leased, sold, or its operation discontinued wholly or in part, by ordinance or resolution of the council, approved by two-thirds of the electors voting on

the ordinance or resolution at a general or special election. Such action may be taken with respect to any specific part of the utility, which part shall be named in the ordinance or resolution; but it shall not be necessary to submit the ordinance or resolution to the voters in such case if the action proposed will not result in depriving any customer inside the corporate limits of any type of municipal utility service available to him before the sale, lease or discontinuance of operation.

CHAPTER 8. BOND ISSUES, DEBT LIMIT

Section 31. Bond issues generally. The city shall have power to borrow money by issuing its bonds for any purpose for which cities of the fourth class are authorized to issue bonds by Minnesota Statutes chapter 475, or by any statute amendatory thereof or supplemental thereto which by its terms is applicable to cities of said class having home rule charters. Such bonds shall be issued, sold, executed and delivered and provisions for payment thereof made in accordance with said chapter 475 or other applicable statutes. The city shall also have power to issue its bonds or other obligations for any purpose and in any manner authorized by any other statute now or hereafter applicable by its terms to cities of the fourth class.

Section 32. Debt limit. The provisions of Minnesota Statutes sections 475.51 and 475.53 shall be applicable to the city, and the limitations on net debt and the manner of determining net debt therein stated shall govern this city; provided that any statutory amendments thereof which by their terms are made applicable to cities of the fourth class having home rule charters shall be applicable to this city.

CHAPTER 9. EMINENT DOMAIN

Section 33. Power to acquire property. The City of Browerville 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 proceedings 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 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.

Section 34. Proceedings 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 to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this chapter.

Section 35. Payment of award. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation 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 36. 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 days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court 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 cost thereof.

Section 37. City may take entire plant. In case the city shall condemn a public utility which is operated at the time of the commencement of 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 composing such systems, but all of the property, lands, articles, franchises, and rights which enter into and go to make up 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 sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

CHAPTER 10. MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 38. Official newspaper. The council shall, annually at its first meeting of the year, designate a legal newspaper of general circulation in the city as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the council may deem it advisable and in the public interest to have published.

Section 39. Vacation of streets. The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. Proceedings shall be in accordance with Minnesota Statutes section 412.851.

Section 40. Penalties. The council shall have power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefore.

Section 41. Ordinance prosecutions. All prosecutions for violation of ordinances shall be brought in the name of the city.

Section 42. Oath of office. Every officer of the city shall, before entering upon the duties of his 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 me as (mayor, council *member*, etc.) of this city to the best of my judgment and ability".

Section 43. Ordinances to make charter effective. The council is hereby empowered to, and it shall by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 44. Departments and officials; bonds. The council may create such departments and advisory boards and appoint such officers, employees, and agents for the city as may be deemed necessary for the proper management and operation of city affairs. The council may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The council may require any officer or employee to furnish a bond conditioned for the faithful exercise of his duties and the proper application of, and payment upon demand of, all moneys by him officially received. Unless otherwise prescribed by law the amount of such bonds shall be fixed by the council. The bonds furnished by the officers and employees of the city shall be corporate surety bonds. The council may provide for the payment from city funds of the premium on the official

bond of any officer or employee of the city. The council may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal; but this provision does not modify the laws relating to veterans' preference.