

**Proposed Charter  
Of  
The City of Winthrop**

**CHAPTER 1.  
Name, Boundaries And General Provisions**

**Section 1.01 Name And Boundaries.** The City of Winthrop, Sibley County, Minnesota, shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established by annexation.

**Section 1.02 Powers Of The City.** The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

**CHAPTER II.**  
**Form Of Government**

**Section 2.01 Form Of Government.** The form of government established by this Charter is the “Council-Mayor Plan”. Except as otherwise provided by law or this Charter all powers of the City are vested in the Council.

**Section 2.02 Council Composition And Election.** The Council shall be composed of a mayor and five councilmen who shall be qualified electors and who shall be elected at large. Each councilman shall serve for a term of four years and until his successor is elected and qualifies, except that at the first election held after the adoption of this charter the three candidates having the highest number of votes shall serve for four years and the other two successful candidates shall serve for two years and until his successor is elected and qualifies.

**Section 2.03 Vacancies.** Every office shall become vacant on the happening of either of the following events, before the expiration of the 3 term of such office.

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of the City of Winthrop.
5. His conviction of any infamous crime, or of any offense involving a violation of his official oath.
6. His refusal or neglect to take the oath of office, or to give or renew his official bond, or to deposit on file such oath or bond within the time prescribed.
7. The decision of a competent tribunal declaring his election or appointment void.
8. The death of the person elected or appointed to fill a vacancy, or for a full term, before he qualifies, or before the time when by law he should enter upon the duties of the office to which he was elected or appointed, in which case the vacancy shall be deemed to take place at the time when his term of office would have begun had he lived.
9. The Council may declare a vacancy whenever the mayor or a member is continuously absent from the City for more than three months or fails to perform any of his/her duties for more than three months.

In such case the Council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy until the next regular city election. The person thereby so elected would serve out the remaining term. *As amended April 5<sup>th</sup>, 2004.*

**Section 2.04 Removal From Office.**

Subdivision 1. Elected Officials. Any elected official may be removed from office for cause shown upon an affirmative vote of four-fifths of the members of the City Council.

Subdivision 2. Appointed Officials. Any appointed official may be suspended or removed by the Mayor, with the advice and consent of the Council, with or without cause. The procedures hereinafter provided for notice and hearing shall not be applicable for a suspension of such an appointed official for cause shown and for a period not to exceed ten days.

Subdivision 3. Procedure. Except as hereinafter provided; no elected or appointed official shall be suspended or removed from office until:

1. He has received written notice of the charges against him, if any, on the reasons for the suspension or removal; and
2. He has been afforded an opportunity to present his case to the Council at a hearing not less than ten days nor more than thirty days after notice thereof has been given him.

**Section 2.05 Administrative Code.** The existing departments, divisions, boards and funds of the City government are continued, except as expressly changed by the provisions of this Charter, until as hereinafter provided. Within one year after the adoption of this Charter, the City Council shall, by ordinances, adopt an administrative code providing a complete plan of administrative organization and management of the City government and creating in conformity with the expressed provisions of this Charter such departments, divisions, boards, appointive offices and fund as they may deem desirable, except insofar as such matters are otherwise provided for in this Charter. Thereafter, except as established by a four-fifths vote of all the alderman, amend the administrative code or adopt a new administrative code, but no such change in the rights of the City or the time or manner of the payment of any obligations due to or by the City with respect to any funds established by the administrative code.

**Section 2.06 The Mayor.** The mayor shall preside at meetings of the Council but he shall have no vote except in case of a tie when he shall have the power to cast the deciding vote. The Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council. He shall serve as president in the Mayor's absence and as mayor in case of the mayor's disability or absence from the City. The mayor shall be recognized as head of the City government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for purposes of partial law. Any member of the City Council, while serving as acting mayor, shall not vote, except as this Charter provides for

the vote of a mayor. The mayor shall approve or veto ordinance as provided in this Charter.

**Section 2.07 Salaries.** The mayor and councilmen shall receive such compensation as is fixed by the council in accordance with Minnesota Statutes. The City Clerk and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

**Section 2.08 The City Administrator.** The City Council may appoint a City Administrator to oversee all administrative City Business and supervise all City employees. The Administrator, or another staff member as designated by the City Administrator or City Council, shall attend all meetings of the council in person and keep a record of all proceedings thereof. The specific duties of the City Administrator will be as determined by the council. From time to time the Administrator shall give the council such information and recommend such measures as deemed advantageous to the City. *As amended March 3<sup>rd</sup>, 2014.*

**Section 2.09 The City Clerk.** There shall be a city clerk appointed by the City Council. The City clerk shall be appointed solely on the basis of his/her fiscal and administrative qualifications. The clerk shall keep the corporate seal of the city and all papers and records thereof. The clerk shall keep accounts showing the financial transactions upon forms approved by the council. The clerk shall perform all other duties imposed by Minnesota Statute and have power to administer oath and affirmation and take and certify acknowledgments in the same where and as required or sanctioned by law. The City Clerk shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as the Council may prescribe. *As amended March 3<sup>rd</sup>, 2014.*

**Section 2.10 Subordinate Officers.** There shall be such other officers subordinate to the City Administrator and City Clerk as the Council may establish by ordinance. *As amended March 3<sup>rd</sup>, 2014.*

**CHAPTER III.**  
**Council Procedure**

**Section 3.01 Council Meetings.** The Council shall meet regularly at least once each month at such times and places as the Council may designate by rule. The mayor or any three members of the Council may call special meetings of the Council upon at least 24 hours notice of the time and the subject to be discussed to each member, and to be posted upon the official public notice board at the City Hall. To the extent provided by law, all meetings of the Council and its committees shall be public and any citizen shall have access to the minutes and records of the Council at all reasonable times.

**Section 3.02 Secretary Of Council.** The City Clerk shall act as Secretary of the Council. He shall keep a journal of the Council proceedings and perform such other duties as this Charter or the Council may require. The Council may designate any other City official or employee, except a member of the Council, to act as secretary of the Council.

**Section 3.03 Rule Of Procedure And Quorum.** The Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time. The Council may by rule provide a means by which a minority may compel the attendance of absent members.

**Section 3.04 Ordinances, Resolutions And Motions.** Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of the Council members on any action taken shall be recorded in accordance with statutes. Except as otherwise provided in this Charter, an affirmative vote of a majority of all the members of the Council shall be required for the adoption of all ordinances and resolutions.

**Section 3.05 Procedure On Ordinances.** Every proposed ordinance shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Winthrop Ordains". No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least three days shall lapse between its introduction and final passage.

**Section 3.06 Emergency Ordinances.** An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in which the emergency is defined and declared in a preamble and the ordinance is adopted by a vote of at least four-fifths of the Council.

**Section 3.07 Signing, Filing, Presentation To Mayor, Veto.**

Subdivision 1. Presentation To Mayor. Every ordinance or resolution passed by the Council shall be presented to the mayor within five business days after its passage for his approval or rejection. Within five business days after presentation, the mayor shall either sign the measure or return it to the council with a communication he neither signs nor vetoes the measure within five business days, it shall be deemed approved.

Subdivision 2. Item Veto. Any ordinance or resolution shall be approved or vetoed by the mayor in its entirety, except that any item in a measure appropriating money may be approved or vetoed.

Subdivision 3. Reconsideration And Overriding Veto. Any ordinance or resolution nor part of an appropriation measure which has been vetoed may be reconsidered by the council and shall become law if passed by an affirmative vote of at least four members within 30 days of the veto. Any ordinance or resolution or any part of an appropriation measure which has been reconsidered by the council and repassed shall be deemed approved.

**Section 3.08 Publication Of Ordinances And Resolutions.** Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute, State administrative rule or regulation of Minnesota, a code or ordinance or part thereof without publishing the material referred to in full.

**Section 3.09 When Ordinances And Resolutions Take Effect.** Every Resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. Every other ordinance shall take effect thirty days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the City shall take effect thirty days after its adoption or at such later date as it specifies.

**Section 3.10 Amendment And Repeal Of Ordinances And Resolutions.** Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part.

No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

**Section 3.11 Revision And Codification Of Ordinances.** The City may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or

**Section 3.11 Revision And Codification Of Ordinances (cont.)**

continuously revised loose-leaf form and copies shall be made available by the City Council at the office of the City Clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

**CHAPTER IV.**  
**Nominations And Elections**

**Section 4.01 The Regular Municipal Election.** A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year commencing in 1996, at such place or places as the City Council may designate. The City Clerk shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate the election. The officers elected shall take office on the first regular meeting in January.

*As amended January 4<sup>th</sup>, 1994.*

*As amended August 2<sup>nd</sup>, 1993.*

**Section 4.02 Nomination For Filing.** Any eligible person desirous of having his or her name placed upon the official election ballot as a candidate for an office to be voted on in an election shall, not more than seventy (70) days nor less than fifty-six (56) days prior to such election, file an Affidavit with the City Clerk stating his or her residence, that he/she is a qualified voter in said City; and the name of the office for which he/she desires to be a candidate; and, upon the payment of a fee of \$5 to the City Clerk, that officer shall accept such Affidavit and place the name of such candidate upon the official Election Ballot, without any political party designation. There shall be no primary election, but the filing of such Affidavit shall be prerequisite to having the name of the candidate placed on the official ballot for the City Election.

*As amended May 6<sup>th</sup>, 1996.*

*As amended March 7<sup>th</sup>, 1983.*

**Section 4.03 Special Election.** The Council may by resolution order a special election and provide all means for holding it. The Clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other City elections.

**Section 4.04 Procedure At Elections.** Subject to this Charter and applicable state laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

**CHAPTER V.**  
**Initiative And Referendum**

**Section 5.01 General Voter Authority.** The voters of the City shall have the right, in accordance with this Charter to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as the initiative and referendum.

**Section 5.02 Petitions.** An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to twenty percent or a minimum of fifty registered voters of those who voted for mayor in the last preceding City election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.05 or 5.06 as the case may be. Each signer shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the City. Any person whose name appears on a petition may withdraw his name by a statement in writing filed with the City Clerk before the clerk advises the council of the sufficiency of the petition.

**Section 5.03 Determination Of Sufficiency.** Immediately upon receipt of the petition the City Clerk shall examine the petition as to its sufficiency and report to the Council within twenty calendar days and not less than five working days. Upon receiving the report the Council shall determine by resolution the sufficiency of the petition.

**Section 5.04 Disposition Of Insufficient Petition.** If the Council determines that the petition is insufficient or irregular, the City Clerk shall deliver a copy of the petition together with a written statement of its defects, to the sponsoring committee. The committee shall have 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 Council finds that the petition is still insufficient or irregular, the City Clerk shall file the petition in his office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

**Section 5.05 Initiative.** Any ordinance, except a zoning ordinance, an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of the City officers or employees may be proposed by a petition which shall state at the head of each page or attached hereto the exact text of the proposed ordinance and the following statement "Any person whose name

**Section 5.05 Initiative (cont.)**

appears on this petition may withdraw his name by a statement in writing filed with the City Clerk within five working days of its receipt by the City Clerk.” If the Council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the City Clerk within ten days of its passage by the Council, the ordinance need no be submitted to the voters. If the Council fails to enact the ordinances in an acceptable form within sixty days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot of the next election occurring in the City. If no election is to occur within 120 days after the filing of the petition, the Council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective thirty days after adoption unless the ordinance specifies a later effective date.

**Section 5.06 Referendum.**

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

**CHAPTER VI.**  
**Taxation And Finance**

**Section 6.01 Council To Control Finances.** The Council shall have full authority over the financial affairs of the City. It 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.

**Section 6.02 Fiscal Years.** The fiscal year of the City shall be the calendar year.

**Section 6.03 System Of Taxation.** Subject to the State Constitution, and except as forbidden by it or by State law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions.

**Section 6.04 Board Of Equalization.** The Council shall constitute a Board of Equalization to equalize assessments of property for taxation purposes according to law.

**Section 6.05 Establishment Of Funds And Accounting Procedures.** In accordance with the requirements of and subject to the limitations of State law and any applicable general or special provision of this Charter, the City Council shall in an administrative code or by special ordinance provide for such special funds, budget controls, additional regulations and accounting procedures as shall be reasonably necessary or desirable to establish unified, efficient and business like control over all of the City's fiscal affairs.

**Section 6.06 Submission Of Budget.** Annually the City Clerk shall submit to the Council his recommended budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance, by September 1. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and except as required by law or Charter, shall be in such form as the Clerk deems desirable or the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For each utility operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditures information shall be included or attached as appendices. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this Charter. Consistent with these provisions, the

**Section 6.06 Submission Of Budget.**

budget shall contain such information and be in the form prescribed by ordinance and by law.

**Section 6.07 Council Action On Budget.**

The budget shall be considered at the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give the interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendments to the budget shall increase the authorized expenditures to an amount greater than the estimated income. The Council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budget fund and each department with such segregation as to object and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget and the Clerk shall certify the tax resolution to the County Auditor in accordance with the law not later than October 10. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

**Section 6.08 Alteration In The Budget.**

After the budget resolution has been adopted the council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time the Council, may by resolution approved by a majority of its members reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

**Section 6.09 Enforcement Of The Budget.**

The City Clerk shall enforce strictly the provisions of the budget. He shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made in the budget resolution and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution and with a necessary purchase order. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution for any amount in excess of the amount authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll, or time sheet or other document approved and signed by the responsible City officer who vouches for its corrections and reasonableness.

**Section 6.10 Annual Fiscal Statement.**

Immediately after the close of each fiscal year, the City Clerk shall cause to be prepared and published at least once in the

**Section 6.10 Annual Fiscal Statement (cont.)**

legal newspaper of the City a comprehensive financial statement showing in summarized form the receipts and disbursements of the various departments and funds of the City and other pertinent data reasonably necessary to make a proper and complete accounting as to the fiscal transactions and business of the City in the preceding fiscal year. The Council may prescribe the form and contents of such statement, and any procedures and audits to be used in the determination of its accuracy.

**Section 6.11 Capital Improvement Program.**

The City Clerk shall prepare and submit to the Council a recommended five-year capital improvement program no later than June 1 each year. The capital improvement program shall include a list of all capital improvements or replacements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment no later than August 15.

**Section 6.12 City Indebtedness.**

Except as provided in Sections 6.13 and 6.14 no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an elections not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

**Section 6.13 Tax Anticipation Certificates.**

At any time after January 1, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed ninety percent of the total current taxes for the fund collected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The process 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.

**Section 6.14 Emergency Debt Certificates.**

If in any year the receipts from taxes on other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency necessitates the making of extra-ordinary expenditures, the Council may by

**Section 6.14 Emergency Debt Certificates (cont.)**

ordinance issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificate shall state the nature of the emergency and be approved by at least four members of the Council. It may be passed as an emergency ordinance.

## **CHAPTER VII.**

### **Contracts And Purchasing Authority**

**Section 7.01 Purchasing Agent.** The Council shall be the chief purchasing agent for the City and subject to the limitations and requirements of State law and the provisions of this Charter may provide in the administrative code or otherwise the manner in which all City purchases shall be made.

**Section 7.02 Purchases By Advertisement For Bids.** The purchase and procurement of services, materials, supplies and property of whatever nature, except under the circumstances specifically enumerated in Section 7.03 shall be by public letting after due and proper advertisement for bids. The advertisement for bids shall be published no less than once in the official newspaper of the City and at least one week shall elapse between the publication date of such advertisement and the date set for the opening of bids. The Council may in the administrative code or otherwise establish some uniform system for the preparation of estimates, plans and specifications and bidding procedure. An award of contract or placing of a purchase order shall be to the “lowest responsible bidder” but in determining who is the “lowest responsible bidder” the Council may exercise its best discretion acting upon all available information as to the bidder and the products or services offered and shall not be restricted to an acceptance of the low money bid, but shall accept the bid most advantageous to the City. In all advertisements for bids, the Council shall reserve the right to reject all bids.

**Section 7.03 Purchases Without Advertisement For Bids.** The Council may enter into contracts for and make purchases of supplies, materials, commodities and property of every description as well as labor and services without the requirement of advertising for bids under the following circumstances:

1. Contract Defined: A “contract” means an agreement entered into by a municipality for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property. *As amended July 5<sup>th</sup>, 1994.*
2. Minnesota Statutes 471.345, Uniform Municipal Contracting Law, prescribing the limits of the estimated costs of contracts by (1) sealed bids; (2) quotations; and (3) in the open market is hereby adopted and made a part hereof; as if set out in full, a certified transcript of the current form of which is attached hereto for reference. *As amended July 5<sup>th</sup>, 1994.*

## **CHAPTER VIII.**

### **Public Improvements And Special Assessments**

**Section 8.01 Power To Make Improvements And Levy Assessments.** The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

**Section 8.02 Assessments For Services.** The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property, or the delinquent utility account may be assessed against the property benefited, collected in the same manner as special assessments. *As amended March 7<sup>th</sup>, 1983.*

**Section 8.03 Local Improvement Procedure.** When the City undertakes any local improvements to which the State Local Improvement Code applies, it shall comply with the provisions of that law. The Council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

**CHAPTER IX.**  
**Eminent Domain**

**Section 9.01 Acquisition Of Property.** The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the requirements of Minnesota Statutes, Chapter 117, or other applicable law.

**CHAPTER X.**  
**Franchises**

**Section 10.01 Franchise Required.** Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore, 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 cost of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed.

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

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

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

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

**CHAPTER XI.**  
**Miscellaneous And General Provisions**

**Section 11.01 Oath Of Office.** Every officer of the City, elected or appointed, shall before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: “I do solemnly swear (or affirm) to support the Constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as \_\_\_\_\_ of the City of Winthrop to the best of my judgement and ability”.

**Section 11.02 Official Publication.** 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 ordinances and other matters required by law to be so published as well as such other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

**Section 11.03 Official Bonds.** The City Clerk, and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of his respective office or employment, give a corporate surety bond to the City as security for the faithful performance of his official duties and the safe keeping of the public funds. Such bonds shall be in such form and amount as the Council determines and may be either individual or blanket bonds at the discretion of the Council. They shall be approved by the City Council and files with the City Clerk. The provisions of State laws relating to official bonds not inconsistent with this Charter shall be compiled with. The premiums on such bonds shall be paid by the City.

**Section 11.04 Vacation Of Streets.** The Council may, by ordinance approved by at least four members of the Council, vacate any street, alley or public ground or part thereof within the City. Such vacation may be made only after public notice and an opportunity for affected property owners and the public to be heard and upon such further terms and by such procedures as the Council by ordinance or otherwise may prescribe. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with law.

**Section 11.05 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 the same public purpose. If there is no such outstanding indebtedness, the Council may, by resolution, designated some other public use for the proceeds.

**Section 11.06 Succession.** The City shall succeed to all the property, rights and privileges and shall be subject to all the legal obligations of the City under the former Charter.

**Section 11.07 Existing Ordinances Continued.** All ordinances and regulations of the City in force when this Charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

**Section 11.08 Pending Condemnations, Improvements And Assessments.** Any condemnation, improvement, or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected as if this Charter had not been adopted.

**Section 11.09 Ordinances To Make Charter Effective.** The Council shall by ordinance, resolution or other appropriate action take such steps as may be necessary to make effective the provisions of this Charter.

**Section 11.10 Official Interest In Contracts.** Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in or personally benefit from such contract.

**Section 11.11 Present Officers Continued.** The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City under this Charter until the officers provided for by this Charter have been elected and qualify. They shall make such financial and other provisions for the fiscal year 1978 as will serve to carry on the government. They shall make provision for the election for an additional councilman to serve from January 1, 1997, until his successor has been elected and qualifies as provided in Section 2.02.

**Section 11.12.** This Charter becomes effective January 1, 1977.