



# CITY CHARTER

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# THE CHARTER OF THE CITY OF WEST ST. PAUL

## CHAPTER I

### NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

**Section 1.01. Name and Boundaries.** The City of West Saint Paul, in the County of Dakota and the State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation, under the name and style of the City of West Saint Paul, with the same boundaries as now are or hereafter may be established. The territory constituting the City of West Saint Paul, with the same boundaries and limits thereof, are as follows:

All of Sections number Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and the North one-half (N ½) of Section Twenty-Nine (29) lying north of Mendota Road, and the North one-half (N ½) of Section Thirty (30), and the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Seven (7). All in Township 28 North, Range 22, West, of the fourth principal meridian.

**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 constitution of this State and of the United States. It is the intention of this Charter that every power which the people of the City of West Saint Paul might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

**Section 1.03. 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 six (6) months from and after its adoption by the electors.

**Section 1.04. Ward Designation.** The said City shall be divided into three (3) wards, to be called the First (1<sup>st</sup>), Second (2<sup>nd</sup>), and Third (3<sup>rd</sup>) wards, limited and bounded as follows:

The First Ward shall be comprised of:

The area north and east of the intersection of the centerlines of South Robert Street and Marie Avenue, and the area south and east of the intersection of the centerlines of Marie Avenue and Oakdale Avenue.

The Second Ward shall be comprised of:

The area between the centerlines of Charlton Street and South Robert Street that is north of the centerline of Kraft Road excepting therefrom the area between the centerlines of Butler Avenue and Emerson Avenue that is west of the centerline of Bidwell Street, and the area that is between the centerlines of Livingston Avenue and South Robert Street north of the centerline of Marie Avenue.

The Third Ward shall be comprised of:

The areas west and south of Wards 1 and 2 not contained therein.

The Wards are depicted on the following map: Attachment A.

(Ord. 02-08, passed 4-22-02; Ord. 12-05, passed 4-02-12; Ord. 22-007, passed 3-28-22)

**Section 1.05. Council Districts.** Said City of West Saint Paul shall be, and is hereby divided into three (3) Council districts, and each ward shall constitute a Council district. Said Council districts shall be numbered to correspond with the number of the wards.

That each of said Council districts, as above defined and constituted, shall form a separate election precinct of said City for the holding of all general elections provided for under the laws of this State, and for the election of all corporate officers provided for in this Charter.

Provided, however, that the Council of said City may, by a vote of five (5) of the members-elect of said Council, divide such of said Council districts as may contain over four hundred (400) resident electors into two (2) or more election precincts of said district and, from time to time, designate by resolution or ordinance such election precincts as aforesaid as may be deemed necessary, in order to provide for the convenience of the electors.

(Ord. 96-17, passed 10-28-96; Ord. 97-13, passed 8-25-97)

**Section 1.06. Charter Commission Membership.** The Commission shall be composed of eleven (11) qualified voters of the City who have been appointed as provided by law.

(Ord. 04-08, passed 7-12-04; Ord. 12-14, passed 7-23-12)

## CHAPTER II

### FORM OF GOVERNMENT

**Section 2.01. Form of Government.** The form of government established by this Charter is the "Council-Manager Plan". The Council shall exercise the legislative power of the City and determine all matters of policy. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the Council for the proper administration of all affairs relating to the City.

**Section 2.02. Boards and Commissions.** The City Council shall by ordinance, establish a Planning Commission and a Board of Appeals and Adjustments that shall have the powers and duties imposed by the Municipal Planning Act. The City Council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish any other commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the City and to prepare any recommendations for consideration by the City Council.

(Ord. 96-17, passed 10-28-96; Ord. 97-13, passed 8-25-97; Ord. 12-15, passed 7-23-12)

**Section 2.03. Elective Officers.** The Council shall be composed of a Mayor and six (6) Councilpersons. The Mayor shall be a qualified elector. Two (2) Councilpersons shall be elected from each Council district and shall be qualified electors. The Mayor shall be elected for terms of two (2) years, and Councilpersons shall be elected for terms of four (4) years.

**Section 2.04. Incompatible Offices.** No member of the Council shall be appointed City Manager, nor shall any member hold any other paid municipal office or employment under the City during the term of office for which he or she was elected. Until one year after the expiration of the term as Mayor, no former member shall be appointed to any paid appointive office or employment under the City which office or employment was created or the emoluments of which were increased during the term as Mayor.

#### **Section 2.05. Vacancies in the Council.**

**Subdivision 1.** A vacancy in the Council shall be deemed to exist in case of the failure of any person elected thereto to qualify as required by law prior to the date of the first meeting of the new Council, or by reason of the death, resignation, removal from office, removal from the City, continuous absence from the City for more than three (3) months, or conviction of a felony under the laws of any State or of the United States (unless restored to full civil rights) of any such persons whether the conviction is before or after the election, or by reason of the failure of any Councilperson without good cause to perform any of the duties of membership in the Council for a period of three (3) months. In each case, the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy until an election is held as provided in this section.

**Subdivision 2.** If the vacancy occurs before the first day to file affidavits of candidacy for the next regular election and more than two (2) years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there shall be no special election and the appointed person shall serve until the qualification of a successor elected at a regular city election.

(Ord. 04-09, passed 7-12-04)

**Section 2.06. The Mayor.** The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro-tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as the Mayor in the case of the Mayor's disability or absence from the City.

**Subdivision 1.** The Mayor shall not have a vote as a member of the Council except in the following circumstances:

- a. The case of a tie vote,
- b. The case of 3 affirmative votes that would result in a failed motion,
- c. The hiring or removal of the City Manager,
- d. The appointment of a person to fill a Council vacancy,
- e. The sale of a public utility,
- f. An amendment to the Charter, or
- g. Otherwise as required by state law.

**Subdivision 2.** The Mayor shall have veto power over all ordinances, resolutions and motions of the Council. The Mayor shall have five (5) days (excluding Sundays) to exercise the veto power or it shall have the same effect as if approved. If the Mayor exercises the veto power, the matter shall be presented to the Council at their next meeting. Upon the exercise of the veto power by the Mayor, the matter may be reconsidered, and if after such reconsideration the Council passes the matter by a vote of at least five (5) of the members-elect, it shall have the same effect as if approved by the Mayor; and in such case the votes shall be a roll call vote, which shall be entered by the City Clerk into the record.

The Mayor shall not have veto power on matters on which he or she has the right to vote. The Mayor may strike and eliminate any line item amount in the city budget or reduce the sum appropriated therefore within five (5) days after Council passage of the budget. Such elimination or reduction of any line item amount shall constitute a veto of the line item and may be reconsidered as provided for in the case of a veto.

**Subdivision 3.** The Mayor shall exercise all other powers and perform all duties conferred and imposed upon the office by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all

ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law.

**Subdivision 4.** The Mayor shall study the operations of the city government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In times of public danger or emergency the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

(Ord. 96-17, passed 10-28-96; Ord. 98-01, passed 1-26-98; Ord. 14-06, passed 10-13-14; Ord. 17-11, passed 11-13-17; Ord. 21-004, passed 03-22-21)

### **Section 2.07. Salaries.**

**Subdivision 1.** For the faithful discharge of the duties of their respective offices, the elected official shall receive the following salaries: The Mayor \$10,174 for year 2023 and \$10,480 for year 2024; each Councilperson: \$8,165 for year 2023 and \$8,410 for year 2024. The City Manager and all other officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

(Ord. 18-11, passed 7-23-18; Ord. 20-011, passed 7-27-20; Ord. 22-011, passed 7-25-22)

**Subdivision 2.** Prior to June of every even-numbered year, the Commission shall review and may adopt a charter amendment increasing the salaries of the Mayor and Council. Salary increase shall take effect pursuant to statute.

(Ord. 94-11, passed 9-12-94; Ord. 99-02, passed 2-22-99; Ord. 99-20, passed 11-08-99; Ord. 00-10, passed 3-13-00; Ord. 02-09, passed 4-22-02; Ord. 04-10, passed 7-12-04; Ord. 12-16, passed 7-23-12)

**Section 2.08. Investigation of City Affairs.** The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. There shall be an annual audit of the City accounts by a Certified Public Accountant selected by the Council, who shall certify, among other things, that the accounts and records of the City have been maintained in accordance with this Charter and with the Statutes of the State of Minnesota, and that all funds of the City have been handled according to law; a copy of such audit shall be filed with the City Clerk and with the Chairman or Chairwoman of the Charter Commission not later than 30 days after completion of the audit. The Council may at any time and shall upon petition of not less than 100 registered voters of the City provide for an examination or audit of the accounts or financial affairs of the City or of any officer, employee or department of the city government by the State Auditor. The Council may cause to be made any survey or research study of any department of the City or any other matter of municipal concern.

(Ord. 97-14, passed 8-25-97)

**Section 2.09. Interferences with Administration.** Neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or any manner interfere with the City Manager or prevent him or her from exercising judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council or any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

**Section 2.10. Charter Compliance.** Public officials elected and appointed of the City are bound to uphold the Constitution of the United States, the State of Minnesota, and the Charter of the City of West St. Paul, except when required by superior law, any public official who has been adjudicated of violating the provisions of this Charter may be subject to removal or termination of their public office or position by the District Court.

(Ord. 98-01, passed 1-26-98)

## CHAPTER III

### PROCEDURE OF COUNCIL

**Section 3.01. Council Meetings.** All meetings of the Council are public meetings, except as otherwise permitted by law. Any person may inspect the minutes and records of the Council meetings at reasonable times and may request copies thereof, pursuant to the Minnesota Government Data Practices Act, or as may be amended.

**Subdivision 1. Regular Meetings.** On the first business day of January in the year following a regular municipal election, the Council shall meet at the usual place and time for the holding of Council meetings. At this time, the newly elected members of the Council shall take their oaths of office and assume their duties. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution.

**Subdivision 2. Special Meetings.** The Mayor or any three members (3) of the Council may call special meetings of the Council upon at least three (3) business days advance written notice to each member of the Council, delivered personally to each member or left at his or her usual place of residence with a responsible person. The written notice must also identify who requested the meeting and state the item or items to be discussed at the special meeting.

**Subdivision 3. Emergency Meetings.** The Mayor or any three (3) members of the Council may call emergency meetings of the Council upon at least twenty-four (24) hours' notice to each member of the Council delivered personally to each member or left at his or her usual place of residence with a responsible person.

(Ord. 12-17, passed 7-23-12; Ord. 12-18, passed 7-23-12; Ord. 14-07, passed 10-13-14; Ord. 16-01, passed 1-25-16)

**Section 3.02. Secretary of Council.** The City Clerk, or a deputy clerk, shall act as Secretary of the Council, and shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this Charter or the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk or deputy, the Council may designate any other official or employee of the City, except the City Manager or a member of the Council, to act as secretary to the Council. A deputy clerk shall be authorized to certify Council minutes or extracts therefrom or any other documents relating to City affairs in the same manner and with the same authority as the Clerk.

**Section 3.03. Rules of Procedure and Quorum.** The Council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which absent members may be compelled to attend.

**Section 3.04. Ordinances, Resolutions, and Motions.** Except as in this Charter otherwise provided, all legislation shall be by ordinance. The Council shall keep a journal of its proceedings and the ayes and nays when taken on any question shall be entered on such journal. Any member of the Council who, being present when his or her name is called, fails to vote up on any pending motion, in a tone plainly understood by the presiding officer, shall be counted as having voted in the negative.

**Subdivision 1.** An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances, resolutions and motions except as otherwise provided in state law or this Charter.

**Subdivision 2.** An affirmative vote of at least five (5) members of the Council shall be required for the passage of the certification of the annual levy to the County Auditor or the passage of the annual budget.

**Subdivision 3.** Only the number of council members eligible to vote will be counted when this Charter provides a voting requirement, such as “a majority of all the members of the Council.” The total number of council members eligible to vote on a matter does not include vacancies that exist under the provisions of section 2.05 and council members who cannot vote because of a legally recognized conflict of interest on the matter.

(Ord. 12-18, passed 7-23-12; Ord. 21-005, passed 03-22-21)

**Section 3.05. Procedure on Ordinances.** The enacting clause of all ordinances shall be in the words, “The City of West Saint Paul does ordain.” Every ordinance shall be presented in writing. No ordinance except an emergency ordinance, shall be passed at the meeting at which it is introduced. At least one week prior to the final passage of every ordinance, except an emergency ordinance, a statement of its purpose and the time and place of its consideration shall be published once in the official newspaper.

(Ord. 12-18, passed 7-23-12; Ord. 14-08, passed 10-13-14)

**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 therein and declared in a 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 an emergency ordinance until 24 hours after the ordinance has been filed with the City Clerk and until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

**Section 3.07. Procedure on Resolutions.** Every resolution shall be presented in writing before a vote is taken thereon, unless the written requirement is dispensed with by unanimous consent. (Ord. 09-09, passed 08-10-09)

**Section 3.08. Signing and Publication of Ordinance and Resolutions.** Every

ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk and filed and preserved. Every ordinance, but only such resolutions as may be designated by the Council, shall be published pursuant to state law. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material in full.

(Ord. 14-08, passed 10-13-14)

**Section 3.09. When Ordinances and Resolutions Take Effect.** Ordinances and resolutions are effective immediately upon passage and publication unless a later date is stated in the ordinance or resolution. An ordinance adopted by the voters under Chapter V is effective upon its adoption, unless a later date is stated in the ordinance.

(Ord. 12-18, passed 7-23-12)

**Section 3.10. Amendment and Repeal of Ordinances.** Every ordinance repealing a previous ordinance shall give the number, if any, and the title of the ordinance to be repealed. An ordinance amending the City Code or Zoning Ordinance must specify the section or subdivision to be amended. Such amending ordinance shall indicate new matter by underscoring and matter to be omitted by striking through the omitted matter. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-face type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses. Pursuant to Minnesota Statutes, Section 412.191, in the case of a lengthy ordinance, a summary of the ordinance may be published in the official newspaper in place of the entire ordinance.

(Ord. 14-08, passed 10-13-14)

**Section 3.11. Revision and Codification of Ordinances.** The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinances shall be published pursuant to state law. Hard copies of the entire City Code shall be available at the office of the City Clerk for inspection by the general public for free and copies may be made pursuant to the City's adopted fee schedule.

(Ord. 14-08, passed 10-13-14)

**Section 3.12. Code of Ethics.** Within ninety (90) days after taking office, each newly elected City Council shall adopt a Code of Ethics.

## CHAPTER IV

### NOMINATIONS AND ELECTIONS

**Section 4.01. Primary and General Elections.** The Municipal Election Day in the City of West Saint Paul is the first Tuesday after the first Monday in November in even numbered years and municipal officials elected on that date shall take office on the first business day of January next succeeding their election for such term as is provided by law. The municipal primary election day shall be on the day designated by the statutes of the State of Minnesota for Primary Election in each even numbered year. Each City primary election shall be conducted as follows: Any eligible person desirous of having his or her name placed upon the City primary election ballot as a candidate for elective City office shall, within the period of time specified by the statutes of the State of Minnesota relating to municipal elections, file an affidavit in the Office of the City Clerk, stating his or her residence, that he or she is the qualified elector in the City; naming the office for which he or she desires to be a candidate and that he or she has not filed as a candidate for any other office at the same primary election. Upon payment by such candidates of a fee of twenty dollars (\$20.00) to the City Clerk, that officer shall place the name of such candidates upon the City primary ballot without any political party designation except that where only two persons have filed for any one office, the names of such persons shall not be placed upon said primary ballot, but shall be placed upon the "General Election Ballot" as the nominee for the office named. Only the names of candidates who have filed, as herein provided, shall be printed on the "Primary Election Ballot" and there shall be no political party designation or mark on such ballot indicative of the source of the candidacy or the support of any candidate. There shall be no blank spaces on such ballots for writing in the names of candidates. Votes cast for any candidate whose name has not been duly placed on such ballot shall not be counted.

The results of the City Primary Election shall be canvassed by the Council. The two candidates for each elective office who receive the highest number of votes shall be the nominees for the office named and their names shall be certified to the City Clerk who shall place them on the "City General Election Ballot" without partisan designation.

When a vacancy occurs in any nomination made at the "City Primary Election" such vacancy may be filled by petition as provided by law. No candidate defeated at the "City Primary Election" shall be eligible for nomination by petition for the same office in that year.

Except as herein regulated or otherwise provided, the "City Primary Election Law" which so far as practicable, is hereby adopted as a part hereof the same as if specifically set forth herein.

**Section 4.02. Officers to be Elected and Terms of Office.** At each General City Election a Mayor shall be elected at large for a term of two (2) years and until his or her successor is elected and qualifies, and one (1) Councilperson shall be elected from each Ward for a term of four (4) years and until his or her successor is elected and qualifies; provided, however, that at the first election held after the adoption of this Charter Amendment, two (2) Councilpersons shall be elected from each Ward and each candidate having the highest number of votes in each district shall be elected for a term of four (4) years and until his or her successor is elected and qualifies,

and each candidate having the next highest number of votes in each district shall be elected for a term of two (2) years and until his or her successor is elected and qualifies.

**Section 4.03. Officers: How Elected.** The Mayor shall be elected by and from the body of the electors of said City, and two (2) Councilpersons shall be elected by and from the electors of each Ward respectively.

**Section 4.04. Official Year.** The official year of the City shall begin on the first business day of January.

**Section 4.05. Councilperson - Qualifications.** Every Councilperson at the time of election shall be, and during his or her term of office shall remain a qualified elector and resident of the Ward by which he or she was elected, and no Councilperson shall, during the term of office for which he or she is elected, hold any other paid City office.

**Section 4.06. Notice of Election - By the City Clerk.** The City Clerk at least two (2) weeks before the holding of any General and Special City Elections shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting a notice in each precinct of every district, containing a list of officers to be elected at such election, and by publication at least once in the official newspaper; provided that failure of the City Clerk to give such notice shall not invalidate an election.

**Section 4.07. Canvass of Elections.** All general laws of the State of Minnesota relating to elections, and preliminaries thereto, shall so far as applicable, apply to and govern all elections under the Charter, and are hereby adopted as a part of this charter the same as if herein specifically enacted.

The Council shall meet and canvass the election returns within two (2) weeks after any municipal election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include:

- (a) The total number of good ballots cast;
- (b) The total number of spoiled or defective ballots;
- (c) The vote for each candidate, with an indication of those who were elected;
- (d) A true copy of the ballots used;
- (e) The names of the judges and clerks of election; and
- (f) Such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of their election.

**Section 4.08. Special Elections.** The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.

## CHAPTER V

### INITIATIVE AND REFERENDUM

**Section 5.01. Powers Reserved by the People.** The people of West Saint Paul reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to require any ordinance or resolution when passed by the Council to be referred to the electors for approval or disapproval. These powers shall be called the initiative, and the referendum, respectively.

(Ord. 97-14, passed 8-25-97)

**Section 5.02. Expenditures by Petitioners.** No member of any initiative, or referendum committee, no circulator or a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring expenses for stationery, copying, printing and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

(Ord. 98-01, passed 1-26-98)

**Section 5.03. Further Regulations.** The Council may provide by ordinance for such further regulations for the initiative, and referendum not inconsistent with this Charter, or in limitation of this Charter, as it deems necessary.

(Ord. 97-14, passed 8-25-97)

### INITIATIVE

**Section 5.04. Initiation of Measures.** Any five registered electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefore.

**Section 5.05. Form of Petition and of Signature Papers.** The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered electors equal to at least ten percent (10%) of the total number of votes cast at the last preceding regular municipal election. All 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 genuine signature of the person whose name it 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 committee of registered electors:

<u>Name</u>	<u>Address</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

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

<u>Name</u>	<u>Address</u>
_____	_____

adding as many more lines as are necessary so that all petitioners when totaled will equal not less than ten percent (10%) of the total number of votes cast at the last preceding regular municipal election.

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

**Section 5.06. Filing of Petitions and Action Thereon.** All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination the numbers of electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of electors who cast their votes at the last preceding regular municipal election. If he or she finds the petition insufficient or irregular, the Clerk shall at once notify one or more of the committees or sponsors of that fact, certifying the reason for the finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period, the petition is found to be still insufficient or irregular, the Clerk shall file it in the office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the ordinance to the electors at the next regular or any special election at its option.

**Section 5.07. Action of Council on Petition.** When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next meeting, stating the number of petitions and the percentage of the total number of electors which they constitute, and the Council shall at

once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of 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 electors voting at the last regular municipal election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) days nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

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

**Section 5.09. Initiation of Charter Amendments.** Nothing in this Charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to proposed amendments to this Charter.

## **REFERENDUM**

**Section 5.10. The Referendum.** If within thirty (30) days of the effective date of any ordinance or resolution a petition signed by registered electors of the City equal in number to ten percent (10%) of the total vote at the last regular municipal election is filed with the City Clerk requesting that any such ordinance or resolution be repealed or rescinded or be submitted to a vote of the electors, the ordinance or resolution shall thereby be prevented from going into operation. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days, excluding Saturdays, Sundays and legal holidays, after the filing of the petition, the City Clerk shall ascertain by examination the numbers of registered electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of electors who cast their votes at the last preceding regular municipal election. The Council shall thereupon reconsider the ordinance or resolution at its next regular meeting, and either repeal or rescind it or reaffirm the ordinance or resolution as passed. In the latter case, the Council shall immediately order a special election to be held thereon, or submit the ordinance or resolution at

the next regular municipal election, pending which the ordinance or resolution shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance or resolution, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance or resolution, it shall go into effect immediately.

(Ord. 97-16, passed 10-13-97; Ord. 99-21, passed 11-08-99)

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

**REFERENDUM PETITION**

Proposing the repeal of an ordinance or rescission of a resolution to \_\_\_\_\_ (stating the purpose of the ordinance or resolution) a copy of which ordinance or resolution is hereto attached. The proposed repeal or rescission is sponsored by the following committee of registered electors:

<u>Name</u>	<u>Address</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned petitioners, understanding the nature of the ordinance or resolution 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.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
Last, First, Middle Initial or as appears on the Voter Registration Card		
_____	_____	_____

Adding as many lines and pages as are necessary so that all petitioners and petitions when totaled will equal not less than ten percent (10%) of the total number of votes cast at the last preceding regular municipal election.

(Ord. 97-14, passed 8-25-97; Ord. 99-12, passed 11-08-99)

**Section 5.12. Referendum Ballots.** The form of the ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

**Section 5.13. Recall Elections.** The holder of any elective office, in the City of West St. Paul, may be removed at any time for malfeasance or nonfeasance in office by the electors qualified to vote for a successor of such incumbent, in the following manner:

**Subdivision 1.** A petition signed by such electors equal in number to at least fifteen percent (15%) of the currently registered voters; in the case of Mayor, those registered voters in all Wards; in the case of Councilperson, those registered voters in his/her own Ward, demanding a special election to determine whether the person named therein shall be recalled, and to elect a successor of the person sought to be removed, shall be filed with the Clerk. The petition shall contain a general Statement, in not more than two hundred words, of the specific grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his or her place of residence and street number. One of the signers of each such paper shall make an oath that the signatures therein made are true, as he or she believes and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

**Subdivision 2.** The signatures gathered for such petition, must be obtained within a period of thirty (30) days from the date of the first signature.

**Subdivision 3.** Within ten (10) days from the date of filing such petition, the Clerk shall ascertain from the voters register whether or not said petition is signed by the requisite number of qualified electors. The Clerk shall attach to the petition the certificate showing the result of the examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said Clerk's certificate. The Clerk shall, within ten days after such amendment make a similar examination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to filing of a new petition to the same effect. If the petition is deemed sufficient, the Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed, and a copy thereof delivered to the person sought to be recalled.

**Subdivision 4.** Within ten (10) days after the filing of said petition, the Council shall fix a date for holding said special election not less than thirty (30) days, nor more than forty (40) days, from the date of said filing. In the published call for the election, there shall be printed in not more than two hundred (200) words, the reasons for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred (200) words, the officer may justify his or her course in office.

**Subdivision 5.** Any qualified elector of the electoral district may file in the same manner as for any City election for the office which may be filled at any recall election.

**Subdivision 6.** Except as herein otherwise provided, such special election shall be conducted, returned, and the result thereof declared, in all respects as are general municipal elections. There shall be placed on the recall ballot or voting machine, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name

against whom the recall petition is filed) be recalled from the office of (title of office)?" Following which question shall be the words "Yes" and "No". On such ballots or voting machines following each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled in the case, he or she shall be removed from office by said recall election. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on the question of the recall of any incumbent from office, shall vote "No", said incumbent shall continue in office.

If a majority shall vote "Yes", said incumbent shall be deemed removed therefrom upon the qualification of his or her successor. If the vote at any such recall election shall recall the officer then the candidate who has received the highest number of votes for the office shall thereby be elected and shall hold office for the unexpired term.

**Subdivision 7.** No recall petition shall be filed against any officer until he or she has actually held his or her office for at least six (6) months. No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him or her, shall be elected or appointed to any office in the City within one year after such recall or resignation. Should any person resign from office while recall proceedings are pending against him or her, the election provided for herein shall be called and proceeded with but shall be limited to the purpose of electing his or her successor in office.

**Subdivision 8.** If a majority of the Council shall fail or refuse to act in such recall proceedings, compliance with the provisions of this section may be enforced by proceedings in the district court of Dakota County at the suit of any citizen of this City.

## CHAPTER VI

### ADMINISTRATION OF CITY AFFAIRS

**Section 6.01. The City Manager.** The City Manager shall be the chief administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of experience and professional qualifications. He or she need not be a resident of the City, but shall be a citizen of the United States. The City Manager shall be appointed by the Council for an indefinite term and may be removed by the Council at any time during the first year of service; but after he or she has served as City Manager for one (1) year, he or she can be removed, discharged, or suspended without pay for not in excess of thirty (30) days, at any time by the affirmative vote of a majority of the Council. In case of any such action by the Council, the City Manager may, within fifteen (15) days after notice of removal, discharge or suspension, make demand on the City Clerk for written charges specifying the grounds for such removal, discharge or suspension, and a public hearing shall be held by the City Council thereon within ten (10) days of the written request by the City Manager and until such hearing is held, the proposed removal, discharge or suspension shall not take effect. If such hearing is demanded and is held, the Council shall have unlimited discretion either to reinstate the City Manager and revoke any suspension or make his or her removal or discharge final. Pending such hearing and removal or discharge, the Council may suspend the City Manager from office without pay for not more than thirty (30) days. During the absence, disability or suspension without pay of the City Manager, or during such time as the office of City Manager may be vacant, the Council may designate, on a temporary basis, some properly qualified person to perform the duties of the City Manager.

#### **Section 6.02. Powers and Duties of the City Manager**

**Subdivision 1.** Subject to the provisions of this Charter and any Council regulations consistent therewith, the City Manager shall manage, control and direct the administration of the City's affairs. The Manager shall have the powers and duties set forth in the following subdivision.

**Subdivision 2.** The Manager shall see that this Charter and laws, ordinances and resolutions of the City are enforced.

**Subdivision 3.** Except for the City Attorney who shall be selected, appointed, and removed by the Council, the City Manager shall appoint, promote and remove, upon the basis of merit and fitness the City Clerk, all heads of departments and all subordinate officers and employees in the departments. No subordinate officer or employee of the City shall be discharged from his or her employment unless and until such employee has had a hearing by the Council if such employee requests the hearing within fifteen (15) days of the effective date of such discharge or such greater period as may be specified in any contract with the City covering such employee.

**Subdivision 4.** The Manager shall exercise full control over all departments and divisions of the City administration created by this Charter or by the Council pursuant to this Charter. Except as provided by the Statutes of the State of Minnesota or by other

specific provisions of this Charter, the Manager shall exercise full control over all departments and divisions of the City Administration created by this Charter or by the Council pursuant to this Charter.

**Subdivision 5.** Except for such meetings of the Council at which his or her removal, discharge or suspension is to be considered, he or she shall attend all meetings of the Council and shall have the right to take part in the discussion at any meeting of the Council, but he or she shall not have the right to vote thereat.

**Subdivision 6.** The Manager shall make written recommendations to the Council for adoption of such measures as he or she may deem necessary for the City or the welfare of its people or the efficient administration of the City's affairs.

**Subdivision 7.** The Manager shall see that the Council is kept informed at least quarter-annually as to the financial condition of the City and its fiscal needs. The Manager shall prepare and submit to the Council not later than the first regular meeting of the Council in September of each year for the annual budget for the operation of the City and the conduct of its affairs for the ensuing calendar year.

**Subdivision 8.** The Manager shall review the administrative code from time-to-time and shall make recommendations to the Council respecting amendments thereto which he or she deems appropriate.

**Subdivision 9.** The Manager shall perform such other or further duties as may be prescribed by this Charter or by law or required by ordinance or resolution adopted by the Council not inconsistent with the provisions of this Charter.

**Section 6.03. Department of Administration.** The Council shall in conjunction with the City Manager, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinances; but in so doing, the Council may not create any department, division, bureau or position for the administration of the City's affairs contrary to the provision of this Charter.

**Section 6.04. Subordinate Officers.** Except as otherwise herein provided, there shall be a City Clerk, a City Treasurer, and such other officers subordinate to the City Manager as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Manager and shall have such duties in connection with the keeping of the public records and the general administration of the City's affairs as is prescribed in the administrative code. The City Treasurer shall be subject to the direction of the City Manager and shall have the custody and disbursement of the public funds. Except for those offices specified in this Charter, the Council may by ordinance abolish any office or combine the duties of various offices which have been created by ordinance prior to the adoption of this Charter.

**Section 6.05. Purchases and Contracts.** The City Manager shall be the chief purchasing agent of the City. All City purchases and contracts shall be made and signed by the City Manager when the amount of the purchase or contract does not exceed \$50,000. All

purchases and contracts that exceed \$50,000 shall be approved by the Council, after the recommendation of the City Manager has first been obtained, and shall be signed by the Mayor and the City Manager on behalf of the City.

(Ord. 00-11, passed 11-13-00; Ord. 05-09, passed 3-14-05; Ord. 08-28, passed 12-08-08; Ord. 22-004, passed 3-28-22)

### **Section 6.06. Contracts How Let.**

**Subdivision 1. General Rule.** 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, where the amount involved is more than \$175,000.00, unless the Council shall by emergency ordinance other-wise provide, the City Manager shall advertise for bids in such manner as may be required by law. Contracts of this magnitude shall be let only by the Council to the lowest responsible bidder after consideration of the recommendation of the City Manager. The Council shall require every bid to be accompanied by a bond or certified check in such sums and with such surety and conditioned as the Council may prescribe. The Council may, however, reject any and all bids. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

**Subdivision 2. Exceptions.** It is not necessary for the Council to advertise for bids for the following contracts:

- (a) Professional services such as, but not limited to, engineers, attorneys, architects, or accountants;
- (b) The purchase or lease of real estate;
- (c) Insurance contracts;
- (d) When the City is using a reverse auction or electronic purchasing process in which vendors compete to provide the supplies, materials, or equipment at the lowest selling price in an open and interactive environment;
- (e) When the City is using an electronic sale of surplus supplies, materials, and equipment in which purchasers compete to purchase the surplus supplies, materials, or equipment at the highest purchase price in an open and interactive environment.

(Ord. 99-23, passed 11-08-99; Ord. 05-10, passed 3-14-05; Ord. 22-005, passed 3-28-22)

**Section 6.07. Labor Contracts.** The City Manager is responsible for negotiating contracts with the City officers and employees or their bargaining agents to extend for an appropriate term and shall submit the final agreement to the City Council for approval.

## CHAPTER VII

### TAXATION AND FINANCES

**Section 7.01. Council to Control Finances.** The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public monies, and in the exercise of a sound discretion, shall make appropriations for the required payment of all determined liabilities and necessary expenses.

(Ord. 98-01, passed 1-26-98)

**Section 7.02. Fiscal Year.** The fiscal year of the City shall be the calendar year.

**Section 7.03. System of Taxation.** Subject to the State Constitution, and except as forbidden by it or by state legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform as fully as possible to the general State Law as to the assessment of such property and the collection of such taxes.

**Section 7.04. Preparation of the Annual Budget.** The City Manager shall prepare the annual budget. The budget shall include all of the funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be shown for each department, division or function of the City. The budget must show comparative figures for the current fiscal year, actual and estimated, and actual figures for the two preceding fiscal years. The budget shall contain sufficient detail to be readily understood.

The estimates shall be submitted to the Council no later than its first regular meeting in September and shall be made public. The City Manager may submit with the estimates such explanatory statement or statements as may be deemed necessary.

(Ord. 97-14, passed 8-25-97; Ord. 09-09, passed 8-10-09; Ord. 12-21, passed 7-23-12)

**Section 7.05. Passage of the Budget.** The Council must, by a budget resolution, adopt the budget at the time required by law. The budget is the principal item of business at regular Council meetings at the times required by law and at subsequent meetings until the budget is adopted. The consideration of the budget by the Council must be conducted in a manner to give citizens an opportunity to be heard. The City Manager must review the budget in the detail requested by the Council. The adopted budget must set forth in detail the financial plan of the City for the ensuing fiscal year. The sum appropriated by the budget may not exceed the estimated revenues together with other available funds on hand to fund the expenditures. The Council must levy sufficient taxes to provide adequate resources for the budgeted expenditures in the next ensuing fiscal year. The tax levy resolution must be certified to the county auditor in accordance with law. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution.

(Ord. 09-09, passed 8-10-09; Ord. 12-22, passed 7-23-12)

**Section 7.06. Enforcement of the Budget.** The City Manager shall enforce the budget in accordance with the City Council budget resolutions and other financial policies of the City. No officer or employee of the City shall place any order or make any purchase except for a purpose authorized in the budget resolution and for the amount authorized in the budget resolution. Any obligation incurred by any officer or City employee for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

(Ord. 97-14, passed 8-25-97; Ord. 09-18, passed 11-09-09)

**Section 7.07. Alterations in the Budget.** The Council may not increase the amounts appropriated in the budget resolution beyond the estimated revenues, except to the extent that realized revenues exceed the estimated revenues. The Council may by resolution reduce an appropriation in the budget. The Council may by resolution authorize the transfer of sums from unencumbered appropriations in the budget to other purposes.

(Ord. 99-24, passed 11-08-99; Ord. 12-23, passed 7-23-12)

**Section 7.08. Emergency Appropriation in Budget.** Repealed.

(Ord. 12-24, passed 7-23-12)

**Section 7.09. Disbursements: How Made.**

**Subdivision 1.** All disbursements shall be made only upon the order of the City Manager or designees, who have been duly authorized by a resolution or motion of the Council, in accordance with federal or state law, ordinances, or City Council resolutions and regulations, unless a disbursement must be made prior to a Council meeting, pursuant to an emergency declaration or other reasonable cause as determined by the City Manager, in which case, the disbursement may be made in advance and ratified by the Council thereafter. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the appropriate Department Head and the Finance Director who vouches for the correctness and reasonableness thereof. The Council may by ordinance or resolution, make additional regulations for the safekeeping and disbursement of the City funds and shall annually adopt a resolution that authorizes an appropriate expenditure amount by designees. The Council may provide for the regular payment without specific individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have previously duly and regularly incurred.

**Subdivision 2. Limitations on Property Tax Levy.** - Repealed

(Ord. 01-16, passed 10-01-01; Ord. 04-11, passed 7-12-04; Ord. 07-06, passed 4-23-07; Ord. 12-25, passed 7-23-12; Ord. 22-006, passed 3-28-22)

**Section 7.10. Funds to be Kept.** There must be maintained in the City Treasury a general fund and the funds required by law, ordinance, the budget resolution or other resolution.

(Ord. 12-26, passed 7-23-12)

**Subdivision 1. A General Fund. Repealed.**

(Ord. 12-26, passed 7-23-12)

**Subdivision 2. A Debt Service Fund. Repealed.**

(Ord 12-26 passed 7-23-12)

**Subdivision 3. A Bond Fund. Repealed.**

(Ord. 12-26, passed 7-23-12)

**Subdivision 4. A Special Assessment Fund. Repealed.**

(Ord. 12-26, passed 7-23-12)

**Subdivision 5. A Public Utility Fund. Repealed.**

(Ord 12-26, passed 7-23-12)

**Subdivision 6. Repealed.**

(Ord. 12-26, passed 7-23-12)

**Subdivision 7. Repealed.**

(Ord. 12-26, passed 7-23-12)

**Section 7.11. Accounts and Reports.** The City Manager shall see to it that the Finance Director shall submit such reports as will be necessary in order to keep the Council fully informed of the financial conditions of the City. Once each year within 180 days after the close of the fiscal year, the Finance Director shall submit to the Council a financial report covering the City's operations during the preceding fiscal year. The report shall contain audited financial statements and disclosures which present the City's financial position and the results of the City operations in conformance with generally accepted accounting principles.

**Section 7.12. City Indebtedness.** Except as provided in Sec. 7.13 and 7.14, debt issued pursuant to Minnesota Statutes Chapter 429, Capital Note debt, revenue bonds or debt for the construction of public facilities that are necessary for the essential functions of the City, no obligations shall be issued to pay current expenses but the Council may, when authorized to do so by a majority of the electors of the City voting thereon at a general or special election, issue and sell obligations for any other municipal purpose in accordance with law and within the limits prescribed by law.

(Ord. 08-29, passed 12-08-08)

**Section 7.13. Tax Anticipation Certificates.** At any time after January 1, 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 50% of the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. Such certificates shall be issued on such terms and conditions as the Council may determine but they shall become due and payable not later than the last day of the year of their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

**Section 7.14. 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 extra-ordinary expenditures, the Council may by ordinance, issue and sell certificates. 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 certificates shall state the nature of the emergency and be approved by at least five members of the Council. It may be passed as an emergency ordinance.

## 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 prohibited by law and may levy special assessments to pay all or part of the costs that are of local character. Special assessments must be levied according to state law.

(Ord. 12-19, passed 8-11-08; Ord. 12-19, passed 7-23-12)

**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 may be assessed against the property served and collected in the same manner as special assessments.

(Ord. 12-19, passed 8-11-08; Ord. 12-19, passed 7-23-12)

**Section 8.03. Local Improvement Regulations.** Repealed.

(Ord. 12-19, passed 7-23-12)

**Section 8.04. Public Works: How Performed.** Repealed.

(Ord. 12-19, passed 7-23-12)

## CHAPTER IX

### EMINENT DOMAIN

**Section 9.01. Power to Acquire Property.** The City may acquire, by purchase, gift, devise, or condemnation, any property, within or without its corporate boundaries that may be needed by the City for any public use or purpose. When acquiring property by the power of eminent domain, the City shall do so in the manner provided by state and federal law.

(Ord. 12-20, passed 7-23-12)

**Section 9.02. Proceedings in Acquiring Property.** Repealed.

(Ord. 12-20, passed 7-23-12)

## 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 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 clerk to guarantee publication before the ordinance is passed.

**Section 10.02. Term.** No perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the electors voting thereon.

**Section 10.03. Public Hearings.** 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 (10) days prior to the date of the hearing.

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

**Section 10.05. Renewals or Extension.** 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

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

**Section 11.01. Acquisition and Operation of Utilities.** The City may own and operate or contract for any gas, water, heat, power, light, telephone or other public utility service for supplying its own needs for utility or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public property shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

**Section 11.02. Rate and Finances.** Upon recommendations made by the City Manager, or upon its own motion, the Council shall fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner, the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary and prescribed penalties for violation of such regulations.

**Section 11.03. Purchase in Bulk.** The Council 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 at such rates as it may fix.

**Section 11.04. Lease of Plant.** The Council may, if the public interest will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the City upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four (4) members of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

**Section 11.05. Public Utility: How Sold.** No public utility owned by the City shall be sold or otherwise disposed of by the City unless deemed to be in the best interest of the citizens and unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a unanimous vote by all members of the Council. In the case of a water works or light plant, any sale, lease or abandonment shall be subject, in addition, to the requirements of state law.

(Ord. 00-34, passed 8-14-00)

## CHAPTER XII

### MISCELLANEOUS AND TRANSITORY PROVISIONS

**Section 12.01. Official Publications.** The Council shall biennially designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published all ordinances, resolutions and other matters required by law to be so published as well as other matters as the Council may deem it in the public interest to have published in this manner. In the case of lengthy ordinances, or ordinances which include charts or maps which would be expensive to publish, if the City Council determines that publication of the title and summary of that ordinance would clearly inform the public of the intent and effect of that ordinance, the Council may by five votes of its members direct that only the title and summary of the ordinance be published in conformity with the provisions of Sections 412.191, Subd. 4 and 331.A01, Subd. 10 of the Minnesota Statutes.

(Ord. 97-21, passed 11-24-97)

**Section 12.02. Oath of Office.** Every officer of the City shall, before entering upon the duties of office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or reaffirm) to support the Constitution of the United States and of this State and discharge faithfully the duties of my office as (Mayor, Councilperson, City Manager, etc.) of the City of West Saint Paul to the best of my judgement and ability.

**Section 12.03. 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.

**Section 12.04. Official Bonds.** The City Manager, the City Clerk, the City Treasurer, 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 or her 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 official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bond at the discretion of the Council. They shall be approved as to form by the City Attorney, and approved by the City Council, and filed with the City Clerk. 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.

**Section 12.05. Sales of Real Property.** No real property of the City shall be disposed of except by ordinance. The proceeds of any sales 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 other property used for the same public purpose.

**Section 12.06. Vacation of Streets.** The Council may by ordinance approved by at least four (4) members of the Council vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners

and 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 the law.

**Section 12.07. Statutes Not Affected by Charter.** All general laws and statutes of the State, as the same now exist, applicable to all cities operating under home rule charter, or applicable to cities of the same class as the City of West Saint Paul operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of West Saint Paul, and shall be construed as supplementary to the provisions of the Charter.

**Section 12.08. 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.

**Section 12.09. Administrative Civil Penalties.** The Council may establish by ordinance a procedure for imposing an administrative civil penalty which shall not exceed twice the maximum fine amount authorized for misdemeanor offenses for violations of the City Code or violations authorized by state law for an administrative process. The procedure must provide for notice to the accused and for an opportunity to be heard by a neutral party, who may be a non-City employee.

(Ord. 08-30, passed 12-08-08)

**Section 12.10. Assessment of Unpaid Penalties.** The Council may provide by ordinance that unpaid administrative civil penalties the City imposes as a result of certain violations be assessed against the property that was the subject of or related to the subject matter of the penalties. The ordinance must provide that the City first attempted to obtain voluntary payment of the penalties. The ordinance must also require the City to give notice and an opportunity to be heard to the property owner listed on the official tax records before the assessments are imposed. The assessments must be collected like special assessments.

(Ord. 08-30, passed 12-08-08)



