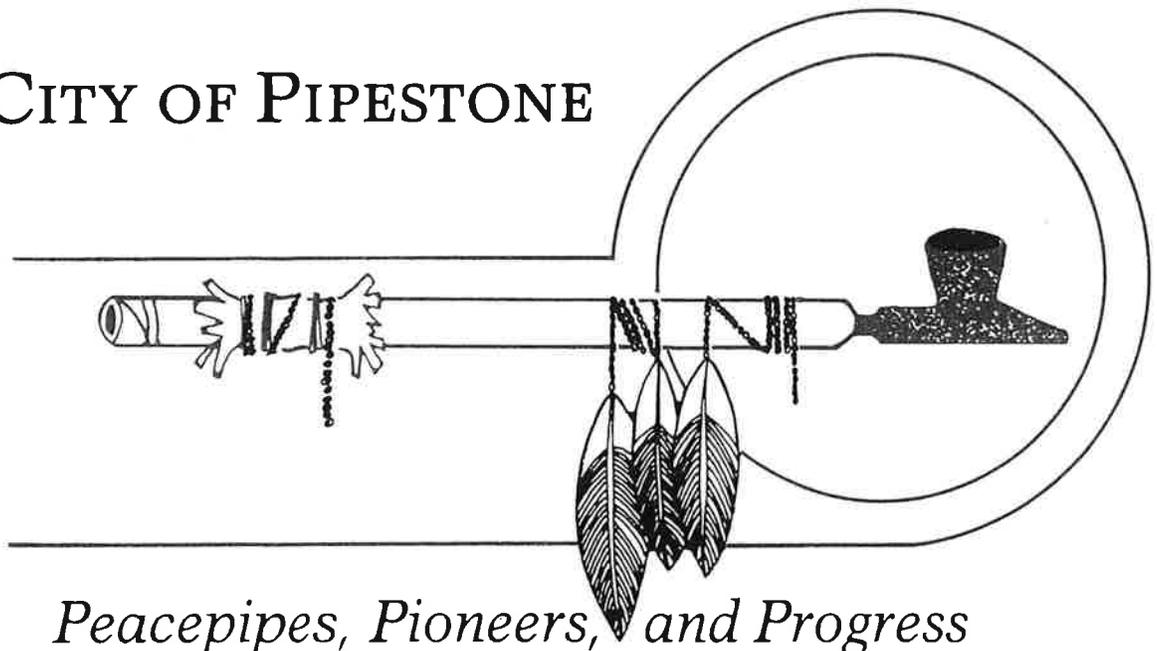


**THE  
CHARTER  
of the  
City of Pipestone**

~~~~~  
With Amendments effective through December 21, 2012  
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CITY OF PIPESTONE



*Peacepipes, Pioneers, and Progress*

# CHARTER

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**CHARTER  
OF THE CITY OF  
PIPESTONE, MINNESOTA**

**CHAPTER 1**

**GENERAL PROVISIONS**

**Section 1.01. Name and Boundaries.** The City of Pipestone, Pipestone County, Minnesota (herein called the “City”), when this Charter takes effect, shall continue to be a municipal corporation under that name and with the same boundaries as now or may be established.

**Section 1.02. Powers of the City.** The City shall have all powers which it may now or hereafter be possible for a city in this State to exercise in harmony with the constitutions and other laws of this State and of the United States. The Powers under 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 general power granted in this article.

**Section 1.03. Charter a Public Act.** This Charter shall be a public act and need not be pleaded or proved in any Court.

## CHAPTER 2

### FORM AND ORGANIZATION OF GOVERNMENT

**Section 2.01. Form of Government.** The form of government established by this Charter is the “Mayor-Council” plan. The Council shall exercise the legislative power of the City and determine all matters of policy.

**Section 2.02. Elective Officers and Their Terms.** The Council shall be composed of the Mayor and four (4) Council members, all of whom shall be elected at large by and from the electors of the City. The term of each Councilmember shall be for four (4) years and Mayor shall be for two (2) years beginning at the time of the first regular Council meeting in January following their election and ending when a successor has been qualified (according to State Statutes), elected, and has assumed the duties of Mayor. The Council shall be the judge for qualifications if contested.

**Section 2.03. The Mayor.** The Mayor shall be the presiding officer of the Council. The Mayor shall make all appointments to boards, commissions and committees subject to confirmation by the Council. The Mayor shall have a vote as a member of the Council.

The Mayor shall exercise all 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, and by the courts for the purpose of serving civil process.

**Section 2.04. Acting Mayor.** The Acting Mayor shall be elected as described in Section 3.01. The Acting Mayor shall serve in the event of the Mayor’s temporary disability or absence. The Acting Mayor may not cast a second vote as Mayor.

**Section 2.05. Incompatible Offices.** No member of the Council or the Mayor may hold any paid appointive municipal office for the City or paid employment for the City other than that to which they were elected unless allowed by State law.

**Section 2.06 Vacancies in Offices.** A vacancy in an office of the Council shall be deemed to exist in case of the failure of any person elected to qualify on or before the date of the second regular meeting of the new Council; or by reason of death, resignation, removal from office, becomes a non-resident of the City, continuous absence from the City or from Council meetings for more than three (3) months, being adjudged incompetent by a court of appropriate jurisdiction, conviction of a felony after their qualification, or any reason specified by law. In the event that a vacancy occurs, the Council shall declare at a regularly scheduled Council meeting that a vacancy exists. Notice of the vacancy shall be published for two (2) weeks.

No less than five (5) days prior to the Council meeting at which the vacancy is to be filled, all interested persons must file an Affidavit furnished by the City.

No sooner than twenty-two (22) calendar days following the announcement of the vacancy, the Council shall, at the next regularly scheduled meeting fill the vacancy by a majority vote of the Council.

**Section 2.07. Boards, Commissions, and Committees.** The Council may by resolution, establish, regulate, and abolish committees from within its membership. The Council may by ordinance or resolution establish, regulate, and abolish boards and commissions from without its membership to advise the Council with respect to any municipal function or activity, or to investigate any subject of interest to the City.

## CHAPTER 3

### COUNCIL ORGANIZATION AND PROCEDURE

**Section 3.01. Council Organization.** At the first regular meeting in January following the regular City election, the newly elected members of the Council shall assume their duties. The Council shall elect by ballot an Acting Mayor from among the Council members.

**Section 3.02. Council Meetings.** After the organizational meeting, the Council shall meet at a time or times each month as may be prescribed or allowed by ordinance. In addition, the Mayor or any two (2) Council members may call special meetings by filing notice with the administrative offices of the City, who shall give notice, orally or in writing, to each of the members personally or by delivering the same to the place of their residence. To the extent provided by the Minnesota Open Meeting Law, all meetings of the Council and its committees shall be public. Any citizen shall have access to the minutes and records of the Council at all reasonable times.

**Section 3.03. Rules of Procedure and Quorum.** The Council shall determine its own rules of procedure and order of business. Unless otherwise provided by this Charter, ordinance, or other law, three (3) members of the Council shall constitute a quorum to act upon any matter.

**Section 3.04. Ordinances, Resolutions, and Motions.** All laws shall be by ordinance except those provided in this Charter. The Council may by ordinance provide for payment of liabilities, making and assessing of local improvements and issuance of bonds. Other matters relating to a specific municipal act and not of general application, may be accomplished by resolution. The affirmative vote of at least three (3) members of the Council, by roll call vote, shall be required for the adoption of ordinances except as otherwise provided in this Charter or other law. All matters of administration shall not require an ordinance or resolution, but may be accomplished by motion. The votes of Council members on any action taken shall be recorded.

**Section 3.05. Procedure on Ordinances.** The enacting clause of all ordinances shall be the words: "THE CITY OF PIPESTONE ORDAINS". Every ordinance shall be introduced in writing. No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced; and no ordinance, except an emergency ordinance, shall be introduced at any meeting other than a regular meeting. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title.

**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. No prosecution shall be based upon provisions of an emergency ordinance until twenty-four (24) hours after the ordinance has been adopted by the Council and posted in three (3) conspicuous places, or until the ordinance has been published once in the official newspaper, unless the person charged with violation had actual notice of the adoption of the ordinance prior to the act or omission of which complaint is made.

**Section 3.07. Amendment and Repeal of Ordinances.** Every ordinance to amend an ordinance shall state the section or sections of the original ordinance in the form that the section or sections will read, as amended. Every ordinance for the repeal of an ordinance shall refer to the ordinance to be repealed by its number and caption. Repeal of codified ordinances may be by reference to the subject matter, chapter, section, subdivision, subparagraph and item designations. Amendment of codified ordinances shall refer to the chapter, section, subdivision, subparagraph and item designations, but shall also state the form in which it shall read, as amended.

**Section 3.08. Signing and Publication of Ordinances and Resolutions.** Every ordinance or resolution adopted by the Council shall be signed and attested by the officers described in this Charter. Every ordinance shall be published once in the official newspaper. If notice of the adoption of an emergency ordinance is given by posting, then publication shall not be required.

**Section 3.09. When Ordinances and Resolutions Take Effect.** A resolution shall take effect immediately upon its adoption by the Council. All ordinances, except emergency ordinances, shall take effect the day after publication. Every ordinance adopted by the voters of the City shall take effect immediately upon its adoption or as stated in the ordinance.

**Section 3.10. Revision and Codification of Ordinances.** The City may revise, rearrange and codify its ordinances with additions and deletions determined to be necessary by the Council. Ordinances shall be published in book, pamphlet, or loose-leaf form. Copies shall be made available at the administrative offices of the City to the public at a reasonable charge.

## CHAPTER 4

### ADMINISTRATION

**Section 4.01. The Council.** The Council shall be the chief administrative body of the City.

**Section 4.02. Departments and Offices of Administration.** The Council may, consistent with the provisions of this Charter, create, abolish, rearrange and combine departments, divisions, and offices of administration. The Council shall determine the powers and duties to be performed by the appropriate department and determine departmental organization.

**Section 4.03. Retention and Execution of Documents.** Documents provided for in this Charter or the ordinances of the City shall be retained at the administrative offices of the City. All contracts with the City, ordinances and resolutions of the Council, and other documents, shall be executed in the name of the City and signed by the designated officers.

**Section 4.04. City Employees.** The Council shall have complete authority with reference to employment or discharge of all City employees. The termination of a department head requires a three-fifths (3/5) majority vote of the full Council. This section shall not restrict the authority of the Council to delegate administrative matters.

**Section 4.05. Purchase and Sale Contracts.** The Council shall be the chief purchasing agent of the City. All City purchases and sale contracts shall be made or let under the direction of the Council. Contracts shall be made in compliance with any regulatory statute. When competitive bids are required the contract shall be let to the lowest responsible bidder, provided, that any or all bids may be rejected. The Council may provide a means for declaring property other than real estate to be surplus property, and providing for its sale upon notice as the Council considers reasonable. The Council may adopt further regulations for making bids and letting contracts, including provisions as to notice. This section shall not restrict the authority of the Council to delegate administrative matters.

**Section 4.06. Investigation of City Affairs.** The Council or Mayor, and any officer or officers formally authorized by them, shall have the power to make investigations into the City's affairs. The Council shall provide for an audit of the City's accounts at least once a year by the State department in charge of audits, or an audit by a public accountant as presently defined in Minnesota Statutes. The Council or Mayor may at any time provide for an examination or audit of the accounts of any officer or department of the City government.

## CHAPTER 5

### NOMINATIONS AND ELECTIONS

**Section 5.01. The General City Election.** A general City election shall be held on the first Tuesday after the first Monday in November of each even numbered year at the place or places as the City Council may designate. The City Clerk shall give at least two (2) consecutive weeks published notice in the official newspaper of the time and place of holding the election and of the offices to be filled. Failure to give notice shall not invalidate this election.

**Section 5.02. Special Elections.** The Council may by resolution order a special election and provide all means for holding it. The City Clerk shall give at least two (2) consecutive weeks published notice in the official newspaper of a special election. The procedure at the election shall conform as nearly as possible to that prescribed for other City elections.

**Section 5.03. Nominations for Office and Withdrawal.** At any time not more than seventy (70) days preceding the date for the primary election, but not less than fifty-six (56) days prior to the election, any eligible person may become a nominee for any elective office under the provisions of this Charter either by filing an affidavit with the City, or by having an application in their behalf signed by at least five (5) registered voters of the City and containing their endorsed acceptance. An affidavit or application shall be on a form furnished by the City and stating the full name and address of the nominee and the office for which they are a nominee. Any nominee may withdraw not later than 5:00 o'clock p.m. two (2) days following the last day for filing nominating affidavits, by filing a written notice of withdrawal, signed and sworn to by him, with the City.

**Section 5.04. Procedure at Elections.** Subject to this Charter and applicable State laws, the Council may by ordinance further regulate the conduct of City elections. Except as otherwise provided by this Charter and supplementary ordinances, general State laws on elections shall apply to City elections.

**Section 5.05. The Primary City Election.** A primary City election shall be held on the second Tuesday in August preceding any general City election. Notice shall be given as for a general City Election. Names of all persons nominated for each City office shall appear on the primary election ballot. In the event the time for becoming a nominee for any elective office under the provisions of this Charter has expired, there are no more than two (2) nominees for Mayor, and there are no more nominees for Councilmember than a number equal to twice the number of persons to be elected at the general City election, there shall be no primary City election.

**Section 5.06. Canvass of Primary City Elections.** Within the time frame specified by State law following a primary City election the Council shall meet to canvass the primary City election returns, make a declaration of the results, and file with the City a statement of the results. The statement shall include the following: (a) the total number of ballots cast; (b) the total number of good ballots cast; (c) the total number of spoiled ballots cast; (d) the total number of defective ballots cast; (e) the vote for each nominee with an indication of those who

were elected to be candidates in the general City election; (f) the votes on any question submitted; (g) a true copy of ballots used; (h) the names of the judges and clerks of the election; and (i) other information as may seem pertinent. The nominees for Mayor receiving the largest and next largest number of votes shall be the candidates to fill those offices in the general City election. The nominees for Councilmember, to a number equal to twice the number of persons to be elected, who receive the largest number of votes, shall be the candidates to fill those offices in the general City election. All persons elected shall be notified in writing. In case of a tie vote for any office the Council shall at the time of meeting to canvass the election returns, determine the tie by lot.

**Section 5.07. Canvass of General City Elections.** Within the time frame specified by State law the Council shall meet and canvass the election returns after any general or special City election, make a declaration of the results and file a statement with the City. The statement shall include the following: (a) the total number of ballots cast; (b) the total number of good ballots cast; (c) the total number of spoiled ballots cast; (d) the total number of defective ballots cast; (e) the vote for each candidate with an indication of those who were elected; (f) the votes on any question submitted; (g) a true copy of ballots used; (h) the names of the judges and clerks of the election; and (i) other information as may seem pertinent. The candidate for Mayor receiving the largest number of votes shall be declared elected. The candidates for Councilmember, a number equal to the number of persons to be elected, receiving the largest number of votes shall be declared elected. All persons elected shall be notified in writing. In case of a tie vote for any office the Council shall at the time of the meeting to canvass the election returns, determine the tie by lot.

## CHAPTER 6

### INITIATIVE AND REFERENDUM

**Section 6.01. 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 the referendum.

**Section 6.02. Petitions.** An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to fifteen percent (15%) of those who voted for Mayor in the last City election. Each petition shall be sponsored by a committee of five (5) voters whose names and addresses shall appear on the petition. A petition may consist of one (1) or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 6.04 or 6.05, as the case may be. Each signer shall sign their name and give their street address. Each separate page of the petition shall have attached 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 their name by a statement in writing filed with the City before the Council is advised of the sufficiency of the petition.

**Section 6.03. Determination of Sufficiency and Disposition.** At its next meeting following the filing of a petition the Council shall by resolution determine the petition's sufficiency. If the Council determines that the petition is insufficient or irregular, it shall order a copy of the petition, together with a written statement of its defects, returned to the sponsoring committee. The committee shall have thirty (30) days 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, it shall order the petition filed and notify the sponsoring committee of the defects. 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.

**Section 6.04. Initiative.** Any ordinance, except an emergency ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of City officers or employees, may be proposed by a petition which shall state at the head of each page or attached to the exact text of the proposed ordinance. If the Council passes the proposed ordinance with amendments and a majority of the sponsoring committee does not disapprove the amended form by a statement filed with the City within ten (10) days of its adoption by the Council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within sixty (60) days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the City. If no election is to occur within one hundred twenty (120) days after the filing of the petition, the Council shall call a special election on the ordinance to be held within the period. If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately or as stated in the ordinance.

**Section 6.05. Referendum.** Any ordinance subject to the initiative may be subjected 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 entirely repealed, it shall be placed on the ballot at the next regular City election or at a special election called for that purpose. If a majority of the voters voting favor the ordinance, it shall go into effect immediately or on the date specified in the ordinance. If a majority of the voters vote 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 vote against it.

## CHAPTER 7

### TAXATION AND FINANCES

**Section 7.01. Council to Control Finances.** The Council shall have full authority over the financial affairs of the City. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of City money. The Council may make rules and regulations for the efficient and economical conduct of the business of the City.

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

**Section 7.03. System of Taxation.** Subject to State Law the Council shall have full power to provide by ordinance for a system of local taxation which includes the power to assess, levy, and collect taxes on all subjects or objects of taxation.

**Section 7.04. Board of Equalization.** The Mayor and at least two (2) Council members selected by the Council shall sit as a Board of Equalization to equalize assessments of property for taxation purposes according to law.

**Section 7.05. Preparation of Annual Budget.** An annual budget shall be prepared. The Council shall specify the officer responsible, the procedure for its preparation, and its form and content. A public hearing shall be held prior to adoption of the budget.

**Section 7.06. Adoption of the Budget.** The Council shall adopt the budget not later than September 15th by resolution which shall set forth the total for each budgeted fund and each department. The Council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law.

**Section 7.07. Enforcement of the Budget.** It shall be the duty of the Council to enforce the provisions of the budget.

**Section 7.08. Alterations in the Budget.** After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution of 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 7.09. Emergency Appropriation in Budget.** The Council may include an emergency appropriation as a part of the budget but not to exceed ten percent (10%) of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by an affirmative vote of a majority of all members of the Council and shall be used only for the purposes designated by the Council.

**Section 7.10. Making Disbursements.** No disbursements of City funds shall be made except by a signed check or electronic transfers as authorized by the governing body specifying the purpose for which the disbursement is made and the fund from which it is drawn. The Council may, by ordinance, make regulations for the safekeeping and disbursement of the funds of the City and authorize the use of facsimile signatures.

**Section 7.11. Funds to be Kept.** The City Treasury shall consist of a general fund and other funds as designated for the payment of expenses of the City as the Council may deem proper. The Council shall have full authority by ordinance or resolution to make interfund loans or permanent transfers except from trust and agency funds or as otherwise prohibited by law.

**Section 7.12. Designating Depositories.** The Council shall annually designate depositories for City funds. The Council may limit deposits or require adequate protection for funds as set forth by Statute.

**Section 7.13. Accounts and Reports.** The Council shall prescribe and enforce proper accounting methods, consistent with this Charter, ordinances, and other law. The Council may require monthly or quarterly statements or other information about the finances of the City. Once each year a report shall be submitted to the Council covering the entire financial operations of the City for the past year.

**Section 7.14. City Indebtedness.** No bonded indebtedness shall be issued to pay general operating expenses of the City. The Council may issue and sell bonded indebtedness for any other municipal purpose in accordance with law and within the limits prescribed by law.

**Section 7.15. Bank Loans.** The Council by resolution, approved by four (4) of its members, may borrow money from any bank for the purpose of financing any authorized capital improvement or other purpose as allowed by this Charter or by State Law. Loans shall be payable within a maximum period of seven (7) years. If the amount of obligations to be issued to finance any purchase exceeds one percent (1%) of the assessed valuation of the City, excluding money and credits, they shall not be issued for at least thirty (30) days after publication in the official newspaper by the Council resolution determining to issue them. If a petition asking for an election on the proposition signed by voters equal to ten percent (10%) of the number of voters at the last regular City election is filed with the Clerk, these obligations shall not be issued until the proposition for their issuance has been approved by the voters. A tax levy shall be made for the payment of the principal and interest according to State law.

**Section 7.16. Capital Improvement Program.** A five-year capital improvement program shall be approved each year by the City Council. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years with appropriate supporting information necessary for improvements; cost estimates, method of financing and recommended time schedules for each 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 adopt the capital improvement program with the annual budget.

## CHAPTER 8

### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

**Section 8.01. Power to Make Improvements and Levy Assessments.** The City shall have the power to make any type of public improvement not forbidden by the laws of this State and to levy special assessments to pay all or any part of the cost of improvements. The amounts assessed to benefited property to pay for local improvements may equal the cost, including all expenses connected with the improvement, with interest, until paid. In no event may an assessment exceed the benefit attributed to a specific 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 property, or to private property, may be assessed against property benefited. Assessments shall be collected in the same manner as special assessments. Ordinances may include provisions for collection as special assessments of delinquent City accounts and charges. The property benefited shall be deemed to be the premises upon which services were received.

**Section 8.03. Local Improvements Regulations.** The Council may prepare and adopt a comprehensive local improvement ordinance prescribing the procedure which shall be followed in making all local improvements and levying assessments. The Council may elect to use the State law or the local improvement ordinance for the purpose of providing local improvements and assessments.

**Section 8.04. Public Works; How Performed.** Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by City employee, by day labor, or by contract. The City shall require contractors and all persons furnishing labor and materials under contracts to provide bonds for the protection of the City pursuant to the laws of the State.

## **CHAPTER 9**

### **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 Minnesota Statutes or other applicable law.

## CHAPTER 10

### FRANCHISES

**Section 10.01. Franchises Required.** Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street or public place for the purpose of operating a public utility or for any other purpose without a franchise from the City. A franchise shall be granted only by ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear all the costs and expenses incurred by the City in connection with the preparation of the Franchise.

**Section 10.02. Term.** Exclusive or perpetual franchises shall never be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of voters of the City.

**Section 10.03. Renewals or Extensions.** Every extension, renewal, or modification of any existing franchise shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

**Section 11.01. Acquisition and Operation of Utilities.** The City may own and operate any gas, water, heat, power, light, telephone, transportation, or other public utility for supplying its own needs for utility service, or for supplying utility services to private consumers or other governmental agencies. Subject to applicable law, it may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties needed. No proceedings to acquire a public utility shall be finalized unless the City has the money in the Treasury to pay for acquisition or has made provisions 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 Council. The City shall not acquire or construct any public utility unless the proposition to acquire or construct the utility has been incorporated in an ordinance and adopted by the Council.

**Section 11.02. Rates and Finances.** The Council may set rates, fares, and prices for municipal utilities. The Council may prescribe the time and manner in which payments for all services shall be made, other regulations as may be necessary, and prescribe penalties for violation of these regulations.

**Section 11.03. Lease of Plant.** Subject to applicable law the Council may contract with any person, co-partnership, or corporation for the operation of any utility owned by the City. The contract shall be adopted by an ordinance approved by four (4) members of the Council. In no case shall a contract be for a longer term than ten (10) years.

**Section 11.04. Public Utility; How Sold.** No public utility owned by the City shall be sold or otherwise disposed of by the City unless approved by a majority of those voting at an election.

## CHAPTER 12

### MISCELLANEOUS AND TRANSITORY PROVISIONS

**Section 12.01. Official Publications.** The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law.

**Section 12.02. Oath of Office.** Every officer of the City, board and commission member shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as (Mayor, Councilman, etc.) of the City of Pipestone to the best of my judgment and ability."

**Section 12.03. Official Bonds.** The Council shall authorize the purchase of surety bonds which covers all positions and all employees of the City for errors and omissions. The surety bond premiums shall be paid by the City.

**Section 12.04. Sale of Real Property.** No real property of the City shall be disposed of except by ordinance. The net cash proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the City in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

**Section 12.05. Vacation or Alteration of Streets, Alleys and Public Grounds.** The Council shall have exclusive authority to vacate or alter streets, alleys and public grounds dedicated to public use. A petition to vacate or alter a street or alley shall be considered if it is signed by a majority of landowners of the abutting land which includes at least one (1) City voter. No petition to vacate or alter public grounds shall be considered unless it is signed by at least one (1) City voter. Upon finding that a petition is properly signed the Council shall order a hearing. The notice of the hearing shall be published for two (2) consecutive weeks, the last publication shall be at least ten (10) days before the hearing. Landowners abutting upon streets, alleys and public grounds, proposed to be vacated or altered, who have not signed the petition shall be served with a similar notice of the hearing by certified mail, return receipt requested. Notice shall be mailed to the address noted on the records of the County Auditor not less than ten (10) days before the hearing. The service by certified mail shall be deemed complete ten (10) days after the mailing as proven by affidavit of mailing. The notice shall also be posted at least fourteen (14) days before the hearing in three (3) of the most public places within the City. Following the hearing the affirmative vote of at least three (3) members of the Council may adopt an ordinance granting the petition and ordering the vacation or alteration. A copy of the ordinance shall be filed with the County Auditor and recorded in the office of the County Recorder. Granting the petition may be conditioned upon the execution and recording of necessary utility easements. The Council may require the owners of the benefited properties to pay the costs associated with the vacation or alteration.

**Section 12.06. City to Accept Rights and Obligations.** The City shall assume all the property, rights and privileges, and the legal obligations of the City under the former Charter.

**Section 12.07. Statutes Not Affected by Charter.** All general laws and statutes of the State applicable to all cities operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Pipestone.

**Section 12.08. Existing Ordinances Continued.** All ordinances and regulations of the City in force when this Charter takes effect shall remain in effect until amended or repealed.

**Section 12.09. 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 which proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien enforced in the same manner as if this Charter had not been adopted.

**Section 12.10. 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 have a personal financial interest in or personally benefit from any contract.

**Section 12.11. Effective Date of This Charter.** This Charter shall take effect as prescribed by law.

## **CERTIFICATE OF CHARTER COMMISSION**

WE, THE UNDERSIGNED, being the duly appointed Charter Commission of the City of Pipestone, Minnesota, hereby certify that the document submitted herewith consisting of Chapters 1 through 12, inclusive, is the draft of a proposed amended Charter prepared and framed pursuant to the Constitution and Laws of the State of Minnesota. We hereby submit and deliver to the City Council of the City of Pipestone, said amended Charter for submission to the electorate as provided by law.

Dated at Pipestone, Minnesota, this 9<sup>th</sup> day of March 1977.

William P. Scott, Chairman  
Julia Eklund  
Thelma Hill  
Harold E. Lee  
Robert Owens  
Lawrence Petterson  
Curtis Sabie  
Russell Stevens

## **CERTIFICATE OF CHARTER COMMISSION**

WE, THE UNDERSIGNED, being the duly appointed Charter Commission of the City of Pipestone, Minnesota, hereby certify that the amendments to the Charter adopted by the City Council as Ordinance Numbers 43, 44, 47, 48, and 49, 2nd Series, were prepared, framed, and adopted pursuant to the Constitution and Laws of the State of Minnesota. We hereby certify they are the true and accurate copies recommended to the City Council by the Charter Commission.

Dated at Pipestone, Minnesota, this 15th day of December 1982.

Robert R. Maunu, Chairman  
Pat Beyers  
Beverlee Kennedy  
Robert Bunkers  
Dale Swanson  
Orville Severtson  
William Burkholder

## **CERTIFICATION OF CHARTER COMMISSION**

WE, THE UNDERSIGNED, being the duly appointed Charter Commission of the City of Pipestone, Minnesota, hereby certify that the amendments to the Charter adopted by the City Council as Ordinance 87 Third Series, were prepared pursuant to the Constitution and Laws of the State of Minnesota. We hereby certify they are the true and accurate copies recommended to the City Council by the Charter Commission.

Dated at Pipestone, Minnesota, this 4th day of April 2005.

Steve Weets, Chairman  
Barbara Heyl  
Mary Sprau  
Betty Stanton

## **CERTIFICATE OF CHARTER COMMISSION**

WE, THE UNDERSIGNED, being the duly appointed Charter Commission of the City of Pipestone, Minnesota, hereby certify that the amendment to the Charter adopted by the City Council as Ordinance Number 51, Fourth Series, were prepared, framed and adopted pursuant to the Constitution and Laws of the State of Minnesota. We hereby certify they are true and accurate copies recommended to the City Council by the Charter Commission.

Dated at Pipestone, Minnesota, this 21st day of June 2010.

Steve Weets, Chairman  
Barbara Heyl  
Betty Stanton  
Cindy Hartquist  
Kristy Henriksen

## **CERTIFICATE OF CHARTER COMMISSION**

WE, THE UNDERSIGNED, being the duly appointed Charter Commission of the City of Pipestone, Minnesota, hereby certify that the amendment to the Charter adopted by the City Council as Ordinance Number 67, Fourth Series, were prepared, framed and adopted pursuant to the Constitution and Laws of the State of Minnesota. We hereby certify they are true and accurate copies recommended to the City Council by the Charter Commission.

Dated at Pipestone, Minnesota, this September 17, 2012.

Steve Weets, Chairman  
Barbara Heyl  
Betty Stanton  
Cindy Hartquist  
Kristy Henriksen