

CITY CHARTER

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CHAPTER I

Boundaries, Wards and Powers

Section 1.1 NAME AND BOUNDARIES. The City of Owatonna shall continue to be a municipal corporation under the name and style of City of Owatonna with the boundaries as from time to time established.

Section 1.2 WARDS. The City is divided into five wards.

Section 1.3 CHANGE IN WARD BOUNDARIES. The city council shall establish and may change ward boundaries at any time by ordinance adopted by five-sevenths vote.

Section 1.4 POWERS OF CITY. The City may sue and be sued; shall have and use its present seal and may alter its seal at any time; shall be capable of contracting and being contracted with; may acquire by purchase, condemnation or otherwise, and hold, lease, sell, and convey real and personal property as its purposes may require or the transaction of its business may render convenient, within or without the limits of the City; may acquire, construct, own, lease, and operate public utilities and render public service of every kind; may license and regulate persons, corporations, and associations engaged in any business, occupation, trade, or profession; may define, prohibit, abate, or suppress all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City and all nuisances and causes thereof; may regulate and control the use of the streets and other public places and ways; may make and enforce local police, sanitary and other regulations and may do and perform all other things necessary or convenient for maintaining and promoting the peace, good government, and welfare of the City and for the performance of all functions thereof. The City shall have all the powers possessed by municipal corporations at common law. It shall have, retain, and may exercise all powers, functions, rights, and privileges heretofore possessed by it or granted by the Laws of the State of Minnesota to cities of the class of which the City may at any time belong and any other powers, functions, rights, and privileges exercised by or which are incidental to or inherent in municipal corporations or which are not denied to it by the Constitution and Laws of the State of Minnesota or the provisions hereof. Its powers shall extend beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein or as may be authorized by law. The City shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and Laws of the State of Minnesota.

CHAPTER II

Officers

Section 2.1 ELECTIVE OFFICERS. The elective officers shall be a mayor, one council member from each ward, and two council members-at-large. The terms of all elective officers shall continue until their successors are elected and qualify.

(Ord. 1017, passed 12-4-1990)

Section 2.2 APPOINTIVE OFFICERS. The city council shall appoint a city administrator, a city attorney, a city clerk-treasurer, a city engineer, and such other officers as shall be necessary for the proper conduct of the affairs of the City.

(Ord. 658, passed 5-3-1977; and by city election - 3-13-1990)

Section 2.3 QUALIFYING. Every person elected or appointed to any office shall take and subscribe the oath provided by law. The city clerk-treasurer, chief of police, fire chief, city engineer, and such other officers as are designated by the city council shall, before entering upon their respective duties, furnish bond to the City in such manner, form, and amount as the city council may direct. If so determined by the city council, the bond may be in the form of a blanket bond, and the premium may be paid by the City.

Section 2.4 TERM OF OFFICE. The term of all elective officers shall commence on the first Monday in January next succeeding their election. The term of all appointive officers shall commence on the first day of April of the year following each biennial City election, and shall be for two (2) years, and until their successors are appointed and qualified. The term of all of the aforesaid officers of said City, elected by the people, shall be for four (4) years, and until their successors shall be elected and qualified.

(As amended, city election - 3-13-1990)

Section 2.5 SUSPENSION. The city administrator may suspend any appointive officer for a period not exceeding sixty (60) days. Forthwith, the city administrator shall report the action with the reasons therefor to the city council by written communication filed with the city clerk and shall call a meeting of the city council and shall devolve the duties of the suspended officer upon some person who shall receive the same compensation as that of the officer suspended. During the period of suspension the suspended officer shall be entitled to no compensation unless the city council shall decide the suspension was not warranted.

(Ord. 1017, passed 12-4-1990)

Section 2.6 REMOVAL. Every officer and every member of any board or commission, whether appointed to office by the city council or by the mayor or elected by the people, may be removed from said office by vote of five-sevenths of the city council, provided that an official elected by the people shall not be removed except for cause after having been furnished with a written statement of the charges and given a reasonable opportunity to be heard in defense. The city council shall fix a time for hearing on such charges not less than ten (10) days after notice to the accused officer and shall have power to compel the attendance of witnesses and the production of books and papers. In the event the officer neglects to appear and answer the charges, or the city council finds that the charges are sustained and furnish sufficient cause for removal, it shall by five-sevenths vote declare the office vacant.

(Ord. 1017, passed 12-4-1990)

Section 2.7 REMOVAL FROM CITY OR WARD. Any elected officer who removes from the City or any ward council member who removes from the ward from which elected, or any elected officer who neglects or refuses to qualify within ten (10) days after an election or appointment to elective office, shall be deemed to have vacated the office. The city council shall by resolution declare the office vacant.

(Ord. 658, passed 5-3-1977; Ord. 1017, passed 12-4-1990)

Section 2.8 FILLING VACANCIES. If a vacancy exists in any elective office, the city council by vote of a majority of the members remaining in office shall fill the vacancy until the next regular city election when a successor shall be elected for the remainder of the unexpired term. In the event of a tie vote in the city council on the filling of a council vacancy, the mayor shall cast the deciding vote.

(As amended, city election - 3-14-1978)

Section 2.9 MAYOR. The mayor shall be the titular head of the City; the mayor shall have the veto power including item veto of the budget; the mayor shall meet with the city council and give to the city council such information and recommend such measures as the mayor may deem advantageous to the City.

(Ord. 1017, passed 12-4-1990)

Section 2.10 ACTING MAYOR. In event of vacancy in the office of mayor or absence of the mayor from the City or in the mayor's inability from sickness or other cause to perform the duties of office, the president of the council, or, if the president is also absent or incapacitated from acting, such other member of the city council as it may designate shall exercise the powers and perform the duties of the mayor during such absence or disability. While so acting, that member shall be styled the "acting mayor" and his/her acts in that capacity shall have the same force and effect as if performed by

the mayor.

(Ord. 1017, passed 12-4-1990)

Section 2.11 CITY CLERK-TREASURER. The city clerk-treasurer: Shall keep custody of the corporate seal and of all books and records of the City; shall attend meetings of the city council and keep a correct record of all proceedings, ordinances, and resolutions in suitable books to be kept for that purpose; may administer oaths and acknowledgments in all cases as required or sanctioned by law; shall keep an office open at hours fixed by the city council and at the place designated by the city council; all records and files therein shall be open to public inspection, shall sign and file all contracts and perform all things incident thereto as directed; shall draw and sign orders upon the city treasury for money authorized to be paid out by the City, but, except as in this charter otherwise authorized, shall not sign any order unless there is a sufficient amount credited to the fund upon which the same is drawn to pay the same; and shall keep a list of outstanding bonds showing the purpose, when and where payable, the rate of interest, and the date of payment, including a specimen bond of each issue.

In addition, the city clerk-treasurer: Shall be the custodian of all monies and securities belonging to the City; shall be responsible for the safekeeping thereof and shall keep an accurate and detailed account thereof in such form as the city council shall direct; shall, on the first business day of each month, make and file a detailed statement of receipts and disbursements of the City during the preceding month specifying the funds and the amount in each fund; shall make an annual report and such other reports and perform such other duties as required by the city council. Whenever in the charter, or in any ordinance of the City of Owatonna in force as of the effective date of this amendment, either of the designations "city clerk" or "city treasurer" appear, such designations shall henceforth be construed to mean "city clerk-treasurer". Furthermore, whenever in the charter either of the designations "clerk" or "treasurer" appear as abbreviated designations of, respectively, the offices of "city clerk" or "city treasurer", such abbreviated designations shall henceforth be construed to mean "city clerk-treasurer". The qualifications for this position shall be established by the city council.

(Ord. 1017, passed 12-4-1990)

Section 2.13 CITY ATTORNEY. The city attorney shall: Be a person admitted to practice in all courts of this state; shall be the legal advisor of all officers and boards of the City; shall prosecute or defend all suits, actions, or proceedings, either civil or criminal, to which the City is a party; shall furnish written opinions upon all subjects (submitted by the city council, or by any of its committees, or by the mayor or by any board of the City); shall attend city council meetings when so requested, draw all contracts affecting the City, and such other legal instruments and papers as may be required in connection with City affairs and perform such other services as pertain to the office.

(Ord. 1017, passed 12-4-1990)

Section 2.14 CITY ENGINEER. The city engineer shall be a registered professional civil engineer; shall possess the same powers in making surveys and plats within the limits of the City and certifying to the same as are vested in county surveyors and the same force and validity shall be ascribed to the surveys and plats as to the plats of the county surveyor. Under the direction of the city administrator, the engineer shall superintend all work done by or for the City in which engineering skill is required; shall draw plans and specifications for all work and estimate the expense; when work is done by contract, the engineer shall issue certificates required by law showing the amount and value of the work performed and the proper performance and completion of the contract. All surveys, profiles, diagrams, specifications, and estimates in reference to any work shall be filed in his/her office for public inspection. When plans and specifications are required for reference or for use in doing any work, the engineer shall make or cause to be made copies of such plans and specifications. Under the direction of the city administrator, the engineer shall superintend all work and improvements on streets, alleys, bridges, and public grounds of the City; shall see that all streets and public ways are graded and open for travel, are kept free from obstruction and in such repair as to be safe and passable and that all trees along or over sidewalks shall be trimmed and awnings kept so as not to obstruct or interfere with public travel; shall supervise and inspect all sewer connections and the construction and laying out of sewers; shall collaborate with the utility commission on any new project involving any utility.

(Ord. 763, passed 3-3-1981; Ord. 1017, passed 12-4-1990)

Section 2.15 CITY ADMINISTRATOR. The city administrator shall, under direction of the council, exercise control and supervision over all administrative affairs of the City government. The administrator shall issue administrative manuals, orders, rules, directives, and regulations not inconsistent with the charter, the ordinances of the City and State law, when approved by the council. The administrator shall recommend to the council and mayor such measures and policies considered necessary or expedient for the best operation of the City government. The administrator shall keep the council and mayor advised of the financial condition and needs of the City and prepare and submit annually to the council an administrative budget which shall be compiled from the various departmental budget requests pursuant to Sections 5.5 and 5.6 of the city charter. The administrator shall perform such additional duties as may be assigned by the city council or by ordinance.

(Ord. 1017, passed 12-4-1990)

Section 2.16 MAYOR AS HEAD OF POLICE DEPARTMENT. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 2.17 SALARIES. The officers of the City shall receive no compensation for their services except as herein provided. The members of the city council and the mayor shall each receive for their services such amount as is from time to time established pursuant to the provisions of Minnesota Statutes 415.11 and Acts amendatory thereof and thereto. In addition thereto, the mayor shall also receive a contingency fund in an amount fixed by the city council. The compensation

of all other officers and employees of the City shall be fixed by the city council at the time such officer or employee is appointed or hired. The city council may adjust or change such compensation from time to time.

CHAPTER III

Elections

Section 3.1 CONDUCT OF ELECTIONS. All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 3.2 REGULAR CITY ELECTIONS. The regular City election shall be held on the first Tuesday after the first Monday in November of the odd numbered years.

(Ord. 658, passed 5-3-1977; and by city election - 3-13-1990)

Section 3.3 SPECIAL ELECTIONS. The city council may call special elections in the manner provided by law.

Section 3.4 FILING FEES. Filing fees for the offices of mayor, council member-at-large, and resident ward council member shall be as established by the city council by ordinance from time to time.

(Ord. 823, passed 3-1-1983; Ord. 1017, passed 12-4-1990)

CHAPTER IV

City Council

Section 4.1 COUNCIL AND QUORUM. The council members shall constitute the city council and shall elect a president and vice-president from their membership. A majority shall constitute a quorum to transact business but a smaller number may adjourn from day to day and compel the attendance of absent members.

(Ord. 1017, passed 12-4-1990; Ord. 1222, passed 12-21-1999)

Section 4.2 POWERS. Unless otherwise expressly provided in this charter, the city council shall have all powers granted to the City, including management and control of the finances and property of the City with full power and authority to make, ordain, establish, publish, alter, modify, amend, and repeal ordinances, resolutions, rules and regulations for the government and good order of the City, for the protection of its property, for the suppression of vice, for the prevention of crime, or for the benefit of trade and commerce. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

Section 4.3 MEETINGS. The city council shall hold regular meetings at such times and places as it shall prescribe by resolution. The first regular meeting after the biennial election shall be held on the first Tuesday in January. The mayor or any four (4) council members may call special meetings. Notice of special meetings shall be delivered to each council member and to the mayor personally or left at the office or usual place of abode of the person served with some person of suitable age and discretion residing therein.

(Ord. 823, passed 3-1-1983; Ord. 1017, passed 12-4-1990)

Section 4.4 RULES. The city council shall be the judge of the election and qualification of its members. The proceedings of the city council shall be governed by Robert's Rules of Order. It may punish members for misconduct. Continued absence from six (6) consecutive regular meetings without excuse shall constitute cause for removal.

Section 4.5 RECORDS. The city clerk shall keep a record of proceedings of the city council. When demanded by any member present, the "ayes" and "noes" upon any question shall be entered on the minutes, and upon final passage of any ordinance or resolution or motion appropriating money for any purpose, the ayes and noes shall be entered.

Section 4.6 ORDINANCES AND RESOLUTIONS. Unless a larger majority is required under the provisions of this charter, ordinances and resolutions must be passed by an affirmative vote of a majority of all members and approved by the mayor. An ordinance shall embrace a single subject, which shall be expressed in the title. The enacting clause shall be as follows: "The City Council of the City of Owatonna Do Ordain". No ordinance shall be passed at the same meeting at which it is presented, or at any but a regular meeting or an adjournment thereof. Within forty-eight (48) hours after adoption, the city clerk shall present each ordinance or resolution to the mayor. If the mayor approves, he/she shall sign the same. Otherwise, the mayor shall return the same to the city clerk with objections thereto. The vetoed resolution or ordinance shall be presented to the city council at its next regular meeting thereafter. If upon reconsideration the city council shall pass the same by five-sevenths vote of all members thereof, it shall be in force and effect without approval by the mayor. If an ordinance or resolution is not returned by the mayor within seven (7) days after it was presented, Sundays and legal holidays excepted, it shall be in effect without approval. Every ordinance together with the affidavit of publication as provided

in Section 4.7 and every resolution shall be recorded by the City Clerk in a separate book. The record of any ordinance or resolution or a duly certified copy of the record shall be evidence of passage, approval, and publication. Resolutions need not be published unless otherwise required by law or unless publication is requested by the Mayor or two council members.

(Ord. 1017, passed 12-4-1990; Ord. 1485, passed 4-17-2012)

Section 4.65 EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare, in which ordinance the emergency is defined and declared in a preamble. An emergency ordinance shall be adopted by the affirmative vote of at least five (5) members of the council and/or the mayor. The mayor shall not have the right of veto, but he shall have the right to vote. No prosecution shall be based upon the provision of any emergency ordinance until twenty-four (24) hours after the ordinance has been filed with the city clerk and posted in three (3) conspicuous places, or until the ordinance has been published as provided in Section 4.7, unless the person charged with violation thereof had actual notice of the passage of the emergency ordinance prior to the act or omission complained of. Such emergency ordinance shall take effect immediately upon its passage, or at such later date as it shall specify. Such an ordinance shall terminate and become null and void after forty-five (45) days from the day of its enactment, unless enacted in accordance with Section 4.6, above.

(As approved, city election - 3-14-1978)

Section 4.7 OFFICIAL NEWSPAPER-PUBLICATION-ORDINANCE CODE. At its first regular meeting each year, the city council shall designate a newspaper of general circulation in the City as the official paper for publication of all matters required by law to be published and no ordinance and no resolution which is required to be published shall be in effect until published therein, provided that a recodification of existing ordinances may be made under the direction of the city attorney, and such ordinance code, when certified by the city attorney to be a recodification of existing ordinances, shall be filed with the city clerk and shall be in full force and effect without publication. In the case of lengthy ordinances or resolutions required to be published under Section 4.6, the city council may by a vote of a majority of its council members direct that only the title of the ordinance and summary be published, conforming to Minnesota Statutes Section 331A.01, subdivision 10 as now enacted or hereinafter amended. Such summary statement shall also contain a notice that the entire text of the ordinance is available for inspection at the Office of the City Administrator, and posted on the official bulletin board at the City Administration Building and also available at the city library, and at any other public location which the city council may designate. Prior to its publication the title and text of the summary shall be approved by the city council upon determination by the council that the summary clearly informs the public of the intent and effect of the ordinance.

(Ord. 1485, passed 4-17-2012)

Section 4.8 ACQUIRING AND SELLING PROPERTY. The city council may acquire by purchase, lease, gift, grant, or condemnation such property as it may deem necessary as sites for public buildings, streets, or grounds and other necessary municipal purposes, provided, however, that if the cost to the City of any parcel so acquired shall exceed an amount equal to five (5) mills on the value of taxable property in the City, the same shall not be acquired unless the proposal to acquire the same is submitted to vote of the people and favored by a majority vote thereof. The city council may sell, convey, and dispose of any real property not needed for municipal purposes only upon a two-thirds (2/3rds) majority vote of all members of the City Council.

(Ord. 1458, passed 6-15-2010)

Section 4.9 CONTRACTS. Every contract to which the City is a party shall be void unless signed by the mayor and attested by the clerk with the seal of the City affixed thereto, after the same has been ordered by motion adopted by a majority of the members of the city council; provided, however, that the ordinance establishing any board under Chapter VIII may authorize the board by its president and secretary to enter into valid contracts relating to its affairs and the Public Utilities Commission shall be authorized to enter into valid contracts as provided in Chapter IX.

(Ord. 763, passed 3-3-1981)

Section 4.10 PLATS. Any person desiring to lay out an addition to the City or subdivide any lot, piece, or parcel of land within the City, including any tract of land theretofore platted, shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of the state relating to town and city plats. The completed and acknowledged survey plat shall be presented to the city planning commission. The city planning commission may approve or disapprove the plat or request that it be changed or modified. The plat, with the recommendation of the city planning commission, shall then be presented to the city council for acceptance or rejection. When a plat is accepted, the city clerk shall so certify upon the face of the plat. The plat may then be filed for record in the manner provided by law. The acceptance of any plat of an addition or subdivision shall not make the City liable to grade the streets therein designated.

Section 4.11 FRANCHISES. The city council may by ordinance grant, regulate, and control the exercise of any privilege or franchise in, upon, or over any street or public place in the City. No privilege or franchise shall be granted for a period of more than twenty-five (25) years, nor shall any exclusive privilege or franchise be granted unless the proposed ordinance is submitted to the voters of the City and approved by at least sixty percent (60%) of those voting thereon.

CHAPTER V

Taxes and Finance

Section 5.1 FISCAL YEAR. The fiscal year of the City shall be a regular calendar year, starting on the first day of January in each year and terminating on the 31st day of December in such year.

(Ord. 657, passed 5-3-1977)

Section 5.2 PROPERTY TAX. All property taxes shall be assessed and collected in the manner provided by law. Ad valorem taxes on real and personal property shall be levied in specific amounts by resolution adopted by the city council on or before the date prescribed by Minnesota State Statutes Chapter 275 as now existing or hereafter amended.

(Ord. 1478, passed 2-6-2012)

Section 5.3 BOARD OF EQUALIZATION. The city council shall meet at the council room as a Board of Equalization for the purpose of reviewing the assessment of property in the City on such date as is established from time to time by applicable Minnesota Statutes and regulations of the Department of Taxation. A majority of the board shall constitute a quorum. The board may adjourn from day to day until the hearing is finished.

(Ord. 823, passed 3-1-1983)

Section 5.4 TAXING POWERS. In addition to any specific powers granted by law, the city council may levy and collect taxes for general or special purposes on all subjects or objects which the City may lawfully tax.

Section 5.5 BUDGET ESTIMATES. On or before the first Monday in August, the heads of departments, officers, boards, commissions, or committees of the city council charged with the management of any department shall deliver to the city clerk an estimate in writing of all expenditures for such department during the ensuing fiscal year, specifying in detail the purposes thereof.

Section 5.6 PREPARATION OF BUDGET. On or before the date prescribed by Minnesota State Statutes Chapter 275 as now existing or hereafter amended, the city administrator or other officer designated by the city council shall prepare a proposed budget estimate for the entire City which shall show expenditures of all departments for the ensuing fiscal year, including the amounts which will be required to pay interest and principal on outstanding debt and the salaries and other costs and showing in detail the amounts necessary to be appropriated to each department. The budget estimate shall also show the estimated revenues from fines, licenses, and other sources of revenue exclusive of property taxes and the amount to be raised by ad valorem taxes.

(Ord. 1017, passed 12-4-1990; Ord. 1478, passed 2-6-2012)

Section 5.7 BUDGET APPROVAL. On or before the date prescribed by Minnesota State Statutes Chapter 275 as now existing or hereafter amended, the city council by resolution shall adopt a budget stating the amount required to pay expenses of the City for the ensuing fiscal year and showing in detail the amount allowed to each department, office, board, or commission and the amount of taxes to be levied. In event the entire budget or any item thereof is vetoed by the mayor, it may be passed by a five-sevenths vote in the manner provided in this charter for vetoed ordinances or resolutions.

(Ord. 1478, passed 2-6-2012)

Section 5.8 TAX LEVY. On or before the date prescribed by Minnesota State Statutes Chapter 275 as now existing or hereafter amended, the city clerk shall transmit to the county auditor of Steele County a statement of the amount of ad valorem taxes to be levied by the City and all special assessments of the City to be collected by the county auditor during the ensuing year, and such taxes and special assessments shall be levied and collected and payment thereof enforced with and in like manner as State and other taxes are levied and the collection enforced.

(Ord. 1478, passed 2-6-2012)

Section 5.9 FUNDS. The monies and securities in the City treasury, except funds under the jurisdiction of the Public Utilities Commission, shall be credited to the following funds, to-wit:

(a) A Bond and Interest Fund into which shall be paid all monies, raised by taxation or otherwise provided, for the payment of bonds of the City and interest thereon and bonds and interest shall be paid from such fund.

(b) A General Fund into which shall be paid all monies from taxes, receipts from licenses and fees, fines and costs, sales of City property, or from any other source except such as are expressly allocated to a special fund. All ordinary current expenses, debts and liabilities of the City shall be paid from such fund.

(c) The city council may create other funds which it deems necessary for the efficient accounting of the City's affairs. Each fund so designated shall receive a like proportion of tax proceeds as the taxes levied for such fund bear to total taxes levied by the City in accordance with the annual budget.

The several funds shall be kept separate and distinct and the city clerk or the treasurer of the several boards or commissions charged with the management of the funds shall keep a separate account of receipts and disbursements thereof. Each fund shall be devoted only to the particular purpose for which it was created, provided that the city council may at any time for any lawful purpose transfer money under its control from one fund to another fund and it shall make provision in the next budget for return of the amount to the fund from which it was taken.

Section 5.10 PAYMENTS FROM TREASURY. No money shall be paid out of the City treasury except upon an order specifying the fund as authorized by resolution or informal motion of the city council or of the board or commission charged with the management of the fund and signed by the officer designated by such managing body. Each order shall be made

payable to a named person or his/her order and upon presentation shall be charged against the fund on which it is drawn. The total amount of such orders shall never exceed the amount budgeted to each fund. In event there is an insufficient amount on hand to the credit of any fund to pay an order presented for payment, such order may be marked not paid for want of funds and shall thereafter bear interest until paid at such rate as designated by the city council. Each order shall be called for payment as soon as a sufficient amount is available in the fund.

(Ord. 1017, passed 12-4-1990)

Section 5.11 ANNUAL REPORTS. On or before the fifteenth day of March, the city clerk shall make and submit to the city council a statement of the financial operations of the City for the preceding fiscal year, including a statement of the financial condition of the City at the close of such fiscal year, which shall show all operations and the condition in a manner consistent with accounting methods of the City.

Section 5.12 BORROWING. Bonds or other obligations of the City may be issued in the manner provided by law.

Section 5.13 CERTIFICATES OF INDEBTEDNESS. Whenever any public improvement is ordered by the city council, the cost of which is to be paid by special assessments upon benefited property pursuant to Chapter VI hereof, the City may issue "certificates of indebtedness" to finance the improvement. Said certificates of indebtedness shall bear interest at a rate not to exceed the maximum amount allowable under Minnesota law, shall mature in not more than twenty (20) years, and shall pledge the full faith and credit of the City to their payment.

Section 5.14 TEMPORARY BORROWING. By vote of five-sevenths of all members and under such regulations as it may prescribe, the city council may issue temporary certificates of the City in anticipation of taxes or other revenues collectable during the current fiscal year. Such certificates shall bear interest at a rate not to exceed the maximum allowable rate permitted under Minnesota law, and shall fall due in not exceeding one (1) year from their date. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues and the proceeds shall be applied to the same purpose as such taxes or other revenues. When the proceeds of such taxes or other revenues are received, a sufficient amount shall be used for payment of the certificates and interest thereon.

Section 5.15 ADJUSTMENT OF ACCOUNTS. The city council shall examine and adjust the accounts of all City officers, boards, and employees excepting the Public Utilities Commission, shall employ expert accountants to make an annual examination, and shall require such officers, boards, and employees to produce and exhibit to the city council or to any committee thereof all books, papers, and vouchers belonging to their respective offices. If any such officer, board, or employee shall refuse to comply, the city council shall declare the office vacant and may commence such suit or other proceedings as it may deem suitable. The city clerk shall keep a full and complete record of all settlements and adjustments of accounts.

CHAPTER VI

Public Improvements

Section 6.1 SUPERVISION OF STREETS. The city council shall have the care, supervision, and control of all public ways, bridges, streets, alleys, and public grounds within the limits of the City. It shall cause all streets and alleys which have been opened and graded to be kept open, in repair, and free from obstruction. It shall have power to build and keep in repair bridges, and widen, alter, or narrow public squares, highways, streets, lanes, and alleys. Subject to payment of damages as provided in this charter and by a vote of not less than five (5) members, it may lay out and open new streets, alleys, or public grounds, or straighten, widen, or extend any street or alley.

Section 6.2 VACATING OF STREETS. The council may by ordinance, adopted by an affirmative vote of not less than five (5) members, vacate any street, alley, or public right of way, or any 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 by such procedure as the council by ordinance may prescribe. The city clerk-treasurer shall cause to be filed in the office of the county recorder a certified copy of any ordinance adopted hereunder and a note thereof shall be entered by the city engineer on the official map of the City.

(Ord. 729, passed 11-20-1979)

Section 6.3 GRADE OF STREETS. From time to time, under the direction of the city engineer, the city council may establish the grade of any highway, street, sidewalk, alley, or public grounds. It shall cause accurate profiles to be made and kept in the office of the city engineer in a book or books of profiles kept for that purpose. Whenever a grade has once been established, it shall not be changed except by a vote of not less than five (5) members of the city council and with the consent of all owners of abutting property or after payment of just compensation for any damage resulting from such change to any non-consenting owner.

Section 6.4 SIDEWALKS. Owners of lands abutting upon a highway, street, lane, or alley in said City, shall construct, reconstruct, and maintain in good order and repair such sidewalks along the side of the street, lane, or highway adjoining the land of such owners respectively, as directed by the city council. All sidewalks shall be built in such manner and of such material and width, and upon such place and grade as the city council may prescribe.

Section 6.5 CLEANING STREETS. The city council may designate districts or portions of streets, highways, and alleys

of the City for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract or otherwise and on such terms as it may deem advisable.

Section 6.6 AUTHORITY TO MAKE IMPROVEMENTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.7 ORDERING IMPROVEMENT. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.8 CONTRACTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.9 ASSESSMENTS AUTHORIZED. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.10 INITIAL PROCEEDINGS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.11 ORDERING WORK. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.12 LEVYING ASSESSMENT. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.13 CORNER LOT ASSESSMENT. In case a lot which abuts on two (2) streets has been previously assessed for laying a sewer pipe upon a different street from the one upon which a proposed sewer is to be extended, the city council may remit from the assessment of such lot such portion of the second assessment, not exceeding the amount of assessment for a frontage of sixty-six (66) feet on such lot, as may be just under all the circumstances of the case.

Section 6.14 SIDEWALK ASSESSMENT. Whenever the city council shall order the construction, reconstruction, or repair of any sidewalk, it shall prescribe the manner of doing the work and shall cause notice to be given to the owner of lands along which said sidewalk is to be constructed, reconstructed, or repaired, stating the character of the work, the manner in which it is to be done, and the time within which the same shall be completed, which statement may be made in the notice or by reference to any ordinance or resolution then and theretofore published. The notice shall list all lots of tracts of land in front or adjacent to which the work is to be done, but the name of the owner or occupant need not be stated.

If the owner of land along which the sidewalk is to be constructed, reconstructed, or repaired shall refuse or, for two (2) weeks following the giving of the notice, shall neglect to construct, reconstruct, or repair the same according to the order, the city engineer shall report to the city council a description of each lot or parcel of land along which the sidewalk has not been constructed, reconstructed, or repaired and the city council may order the construction, reconstruction, or repair by City employees or by a contractor designated by it and thereafter shall assess the cost against such lot and parcel of land. Assessment for constructing or repairing sidewalks may be in any form which the city council may adopt.

Section 6.15 REASSESSMENT. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.16 INSTALLMENT OF ASSESSMENTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.17 COLLECTION OF ASSESSMENTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.18 VALIDITY OF ASSESSMENTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.19 FORMER ASSESSMENTS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.20 ASSESSMENT LIENS. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

Section 6.21 APPEAL FROM ASSESSMENT. (Repealed in its entirety by Ord. 1017, passed 12-4-1990)

CHAPTER VII

Condemnation

(Repealed in its entirety by Ord. 1017, passed 12-4-1990)

CHAPTER VIII

Boards

(Renumbered by Ord. 841, passed 10-18-1983)

Section 8.1 POWER TO ESTABLISH BOARDS. The city council may, by ordinance, establish or abolish any boards which it deems essential or non-essential for the City operations except the Public Utilities Commission. An ordinance establishing a board shall fully set forth each board's powers and duties. Members serving for three full, consecutive terms shall not be eligible for reappointment. The number of members and the terms of the Public Utilities Commission shall be as provided in Chapter IX.

(Ord. 763, passed 3-3-1981; Ord. 896, passed 2-18-1986; Ord. 1017, passed 12-4-1990)

Section 8.2 BOARD MEMBERS AND OFFICERS. Subject to the confirmation of the city council, the mayor shall appoint the members of all boards. Each board shall elect from its members a president, a vice-president, and a secretary to serve for a term of one (1) year and until their successors are elected and qualified. The president shall preside at all meetings and exercise the functions usually devolved upon the presiding officer of similar boards. The secretary shall keep a record of all business transacted at the meetings of the board and of such other matters as the board may direct.

(Ord. 896, passed 2-18-1986)

Section 8.3 POWERS OF BOARDS. All boards may establish such committees as they deem necessary. In accordance with the ordinance creating each board, it shall be responsible for the maintenance and operation of public property under its charge with power to make such rules, regulations, and by-laws concerning the same as it deems advisable.

(Ord. 896, passed 2-18-1986)

Section 8.4 ELIGIBILITY. A person shall be eligible for appointment to any city board or commission who is an eligible voter and who has maintained residence in the City for thirty (30) days before appointment.

(Ord. 1444, passed 5-5-2009)

CHAPTER IX

Public Utilities Commission

(Renumbered by Ord. 841, passed 10-18-1983)

Section 9.1 COMMISSION-POWERS. The Public Utilities Commission, hereinafter called "Commission", shall have the entire management and control of all water, electric light, power, heat, and gas plants and systems now or hereafter acquired by the City including the building, erecting, constructing, and equipping of such plants and systems, all such plants and systems being hereafter collectively called "Owatonna Public Utilities".

Section 9.2 COMMISSION-APPOINTMENT. The Commission shall consist of five (5) members appointed by the mayor and confirmed by vote of a majority of the city council, which appointments shall be effective May 1st and for a term of five (5) years, and until their successors are appointed and qualify. No two (2) Commissioners shall be residents of the same ward, provided that a change of residence to a different ward shall not shorten the two (2) term limit of any Commissioner after his appointment. The members in office at the time this amendment becomes effective shall hold office until the expiration of their respective terms and until their successors are appointed and qualify. Two (2) additional members shall be appointed for terms expiring each year. Thereafter, successors shall be appointed each for a term of five (5) years. In case of vacancy for any cause, a successor shall be appointed for the unexpiring term. The term of office of any member shall be no more than two (2) full, consecutive terms with the privilege of being reappointed after being off the Commission for one (1) full term. If a member is appointed to fill an unexpired term, he/she may serve two (2) full terms after completion of the unexpired term.

(Ord. 841, passed 10-18-1983; Ord. 1064, passed 7-21-1992)

Section 9.3 COMMISSION-REMOVAL. Any member may be removed by two-thirds vote of the city council in the manner hereinafter provided. There shall first be filed with the clerk a petition of ten (10) or more freeholders reciting that such member has been guilty of a misdemeanor, or malfeasance or misfeasance in office, or has become incapacitated to hold office, or ceases to be a resident of the City. The city clerk shall thereupon give notice to such member of the filing of the petition including a copy of such charges and the time and place of council meeting to consider the same. Which notice may be given orally or in writing at least ten (10) days prior to the date of such meeting. The member may present evidence and be heard.

Section 9.4 COMMISSION-COMPENSATION. One (1) or all members of the Commission may receive compensation for services actually rendered in such amount as may be fixed from time to time by the city council.

Section 9.5 OFFICERS. The Commission shall elect one (1) of its members president. It may also elect such other officers, as it deems necessary, from its members. The city clerk-treasurer shall be ex officio, clerk of the Commission, and shall receive such additional salaries for such work as the Commission may prescribe.

Section 9.6 POWER TO INVEST AND BORROW. The Commission may invest and reinvest funds in its possession. The Commission may make temporary loans in emergency cases.

Section 9.7 POWERS IN RESPECT TO LAND. The Commission may use the ground under any railroad, public way, place, or park for constructing, enlarging, improving, or repairing of Owatonna Public Utilities on condition the surface thereof shall be restored to its original state and all damages thereto repaired. The Commission may exercise the power of eminent domain on behalf of the City whenever necessary.

Section 9.8 EMPLOYEES. The Commission shall employ necessary help including a manager who shall be a competent engineer. The Commission shall prescribe duties, fix compensation, and discharge any employee at will. It may require bond from any employee in such amount as it shall fix, covering the faithful performance of their duties.

Section 9.9 SURVEYS, INSPECTIONS, LIENS, AND SUITS. The Commission, by such employees as it may direct, may enter upon any premises at all reasonable hours for the purpose of examining the same and making surveys and inspection, and it may sue or make unpaid charges a lien against property served in the name of the City for any money due it for services or commodities, or for injury to the Owatonna Public Utilities.

Section 9.10 BOOKS OF ACCOUNTS. The Commission shall collect and hold all monies received on account of operations of each utility. It shall keep separate books containing a full and complete statement of the condition and operation of each utility, of all money received, of all payments due and owing, and of all expenses, which books shall be open to inspection of the public at all reasonable times. Separate accounts within the Public Utilities Fund shall be kept for each utility. Money shall be paid out for the purpose of erection, operation, and management of the Owatonna Public Utilities only on the written order signed by the Commission and clerk. The Commission shall keep books open to public inspection, showing all receipts, the accounts to which the same are credited, and all orders made and paid. Such books shall show a true and correct statement of all accounts.

Section 9.12 RULES AND REGULATIONS. The Commission may make and enforce reasonable rules and regulations to carry into effect the powers herein granted, which rules and regulations shall be recorded in a separate book and signed by the Commission and open to public inspection at all reasonable times.

Section 9.13 RATES AND CHARGES. The Commission shall fix the rents and rates for all commodities furnished by the Owatonna Public Utilities, either to the public or private consumers, and shall regulate the distribution and use of all such commodities for all purposes including restraining and preventing any injury to said utilities. The rates and rents shall be sufficient, so far as practicable, to provide for operating expenses, repairs, and replacement, and the creation of a sufficient sinking fund to pay outstanding utilities bonds and interest thereon when due.

Section 9.14 PURCHASES. The Commission shall purchase all supplies needed for operation of the Owatonna Public Utilities under such rules and regulations as it may establish.

Section 9.15 ANNUAL STATEMENT. The Commission shall cause to be prepared and filed in the office of the city clerk-treasurer, on or before the first city council meeting in May after the close of each fiscal year, an annual statement, prepared by a certified public accountant, showing all monies on hand, all receipts, credits, and disbursements on behalf of said utilities plants during the preceding year, and the true financial condition of each utility. The Commission shall also cause to be prepared, prior to the close of each fiscal year, an operating budget for the ensuing fiscal year, which shall be open to public inspection in the offices of the Owatonna Public Utilities.

(Ord. 791, passed 2-16-1982; Ord. 896, passed 2-18-1986)

Section 9.16 UTILITIES FURNISHED CITY. Subject to all covenants of the Commission for the protection of outstanding revenue obligations, the Commission shall provide the City and all of its departments, except the Owatonna Public Utilities, with water (including the use of hydrants), electrical power and light, gas and heat free of any rent or charge, provided that the total value of all free utility service does not exceed four percent (4%) of the gross meter billings.

CHAPTER X

Miscellaneous Provisions

(Renumbered by Ord. 841, passed 10-18-1983)

Section 10.1 VALIDITY OF ORDINANCES. The validity of any ordinance in force at the time of the adoption of this charter amendment and not inconsistent herewith, shall not be affected by the adoption hereof, but such ordinance shall continue and be in force until the same is repealed or amended. The provisions hereof shall not affect any action or proceeding pending at the time of adoption.

Section 10.2 CONTINUANCE IN OFFICE. Except as specifically provided herein, the adoption of this charter shall not affect the terms of office or powers of any officer or member of any board theretofore appointed but the same shall continue in office until changed by ordinance or resolution.

Section 10.3 EFFECTIVE DATE. This amended charter shall be in effect from and after the 29th day of March, 2000.