

CHAPTER IX

(Renumbered by Ordinance No. 841, adopted 10/18/83.)

Public Utilities Commission

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 unexpired 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. (As amended, Ordinance No. 841, adopted 10/18/83; Ordinance No. 1064, adopted 7/21/92.)

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~~ residents 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 in accordance with established laws. 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, and in compliance with state law.

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. (As amended, Ordinance No. 791, adopted 2/16/82; and Ordinance No. 896, adopted 2/18/86.)

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.