



***CHARTER***

***City of Windom***  
***Minnesota***

***YEAR 2003***

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# CHARTER OF THE CITY OF WINDOM, MINNESOTA

## CHAPTER 1

### Names, Boundaries, Powers and General Provisions

Sec. 1.01, NAME: The City of Windom, in the County of Cottonwood, and the State of Minnesota, upon the taking effect of this charter, shall continue to be a municipal corporation, under the name and style of the City of Windom, with the same boundaries as now are or hereafter may be established.

Sec. 1.02, BOUNDARIES: The territory included in the present boundaries is as follows: Part of the Northeast Quarter of Section 21, part of the Northwest Quarter of Section 22, part of the East Half of Section 22, part of the South Half of Section 23, part of the East Half of Section 24, part of the Southwest Quarter of Section 24, all of Section 25, all of the East Half of Section 26, part of the West Half of Section 26, part of the Northeast Quarter of Section 35, all of the North Half of Section 36, and part of the South Half of Section 36, all in Township 105, Range 36; and part of the West Half of Section 19, and part of the Northwest Quarter of Section 31, all in Township 105, Range 35; in Cottonwood County, Minnesota.

Sec. 1.03, WARDS: The City of Windom is hereby divided into two wards, called the first and second wards respectively, all that part of the City lying West of the following described line being in the first ward, and all that part of the City lying East of the following described line being in the second ward:

A line beginning at the North City Limits boundary line on Trunk Highway No. 71 (6th Ave. Extended), thence South on and along Trunk Highway No. 71 to 6th Avenue, thence South on 6th Avenue to 14th Street, thence East on 14th Street to 4th Avenue, thence South on 4th Avenue to 8th Street, thence West on 8th Street to 5th Avenue, thence North on 5th Avenue to 9th Street, thence West on 9th Street to the centerline of the Des Moines River, thence Southeasterly to 6th Street, thence West on 6th Street to 6th Avenue, thence South on 6th Avenue Extended to the South City Limits Boundary Line.

Sec. 1.04, POWERS OF THE CITY: The City shall have the powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the constitutions of this State and of the United States. It is the intention of this charter to confer upon the City every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

## CHAPTER II

### Form of Government

Sec. 2.01, FORM OF GOVERNMENT: The form of government established by this charter shall be known as the "Mayor-Council Plan."

Sec. 2.02, ELECTIVE OFFICERS: The elected officers of the City shall be the members of the council and the mayor, all of whom shall be qualified electors of the City. The mayor shall hold office for the term of four (4) years, all commencing on January 2nd next following their election and until their successors are elected and qualified, except that at the first election held after the adoption of this section, the candidate for council member elected at large shall serve for two (2) years and at each successive election for council member elected at large thereafter shall serve for four (4) years so that the terms of mayor and council member elected at large shall be staggered and one office shall be subject to election every two (2) years. The office of council member shall serve for the term as now elected and thereafter shall hold office for the term of four (4) years so that one office of council member for each ward shall be subject to election every two (2) years.

#### Sec. 2.022, RECALL OF ELECTED OFFICERS

Subd. 1. POWERS RESERVED BY THE PEOPLE. The people of Windom reserve to themselves the power, in accordance with the provisions of this charter, to recall elected public officials. These powers shall be called the recall.

Subd. 2. EXPENDITURES BY PETITIONERS. No member of any recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed such sum as may be provided by ordinance for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

Subd. 3. FURTHER REGULATIONS. The council may provide by ordinance such further regulations for the recall, not inconsistent with this charter, as it deems necessary.

Subd. 4. THE RECALL. Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City constituting malfeasance or non-feasance. The committee shall certify to the City Administrator the name of the officer whose removal is sought, a statement of the grounds for removal constituting malfeasance or non-feasance in not more than 250 words, and their intention to bring about his/her recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Subd. 5. RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Administrator together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

proposing the recall of \_\_\_\_\_ from his/her office as \_\_\_\_\_ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of registered voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

That undersigned registered voters understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

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

Subd. 6. FILING OF PETITION. Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Administrator. The petition signatures shall consist of the residents of the ward of the officers whose removal is sought. In the event the officer whose removal is sought is either the mayor or council member at large, the signatures shall be composed of residents of both wards. The City Administrator shall examine the petition within the next five days, and if he/she finds it irregular in any way, or finds that the number of signers is less than 50% of the registered voters in the last municipal election of the ward or wards of the office whose removal is sought, he/she shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of the time the City Administrator finds the petition still insufficient or irregular, he/she shall notify all the members of the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon.

Subd. 7. RECALL ELECTION. If a petition or amended petition is found sufficient, the City Administrator shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 60 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Subd. 8. PROCEDURE AT RECALL ELECTION. The City Administrator shall include with the published or posted notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Subd. 9. FORM OF RECALL BALLOT. Unless the officer whose removal is sought resigns within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall \_\_\_\_\_ be recalled?" The name of the officer whose recall is sought being inserted in the blank, and the registered voters shall be permitted to vote separately "yes" or "no" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of \_\_\_\_\_ recalled"; but the officer whose recall is sought shall not himself/herself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of the recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for his/her place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the Council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular elections.

Sec. 2.03, COUNCIL: The council shall be composed of the mayor and five (5) council members, two of which council members shall be elected by and from the electors of each ward of said City respectively, and who shall be bona fide residents of their respective wards, and one council member to be elected by and from the electors of said City at large. The mayor shall have no vote in the proceedings in said council except in the case of the tie vote.

Sec. 2.04, INCOMPATIBLE OFFICES: No member of the council shall hold any other municipal office or become an employee of said City while serving as such council member. No former member shall be appointed to any paid office or employment of the City, which office employment was created, or the employments of which were increased, during such council member's term of office, until two (2) years after the expiration of the term for which said person was elected.

Sec. 2.05, VACANCIES: An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the City Administrator, is convicted of a felony, ceases to reside in the City, or is adjudged incompetent by a Court of competent jurisdiction. In each case the council shall by resolution declare the vacancy to exist.

If the vacancy occurs one year or less before the expiration of the term of that elective office the mayor shall nominate and the council shall affirm and shall forthwith appoint an eligible person to fill the vacancy for the remainder of the unexpired term.

If the vacancy occurs more than one year before the expiration of the term of the elective office the council shall forthwith order a special election to fill such vacancy to be held within 150 days of the resolution declaring the vacancy.



Sec. 2.06, THE MAYOR, POWERS AND DUTIES: The mayor shall be the presiding officer of the council; except that the council member elected at large shall serve as president in the mayor's absence, and as acting mayor in case of the mayor's disability preventing performance of duties or in the case of the mayor's absence from the City. The mayor shall be the chief executive officer of the city and shall have command and control of its police force. The mayor shall exercise all powers and perform all duties conferred and imposed upon that office by this charter, the ordinances of the City and the constitution and statutes of the State of Minnesota.

In the event of a vacancy in the office of mayor, whether by death, resignation or any other cause, the council forthwith shall order a special election to fill the vacancy for the unexpired term; provided that if such vacancy occurs less than six (6) months from the expiration of the term of said mayor, then no special election shall be held; but the duties of said mayor shall rest upon and be discharged by the council member elected at large serving as president pro tempore of said council as full and to all intents and purposes as if said president pro tempore were the duly elected and qualified mayor.

If a vacancy exists in the office of mayor and council member at large, then the remaining council members shall elect from themselves a chair to conduct the meeting and said person shall retain their voting rights.

Sec. 2.07, VETO POWER: Every ordinance or resolution of the council before it takes effect, shall be presented to the mayor for approval. If the mayor shall approve it, the mayor shall sign the same; but if the mayor disapproves it, it shall be returned to the council with the mayor's objections thereto, by depositing the same with the Administrator, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be put again upon the passage of same, notwithstanding the objection of the mayor; and if, upon such submission, the council shall pass the same by a four-fifths (4/5) vote of the council, it shall have the same effect as if approved by the mayor. If an ordinance or resolution shall not be deposited with the Administrator by the mayor within ten (10) days after it shall be presented to the mayor, the same shall have the same effect as if approved by the mayor.

Sec. 2.08, CITY ADMINISTRATOR, DEPUTY CITY ADMINISTRATOR, POWERS AND DUTIES: The City Administrator shall be the official 'city clerk' and 'city treasurer' for the City of Windom and shall be deemed as such when referenced in state laws. The City Administrator shall have the care and custody of the corporate seal of the City and of all papers, instruments, files, and records of the City. The City Administrator shall prepare and sign all orders and warrants and keep such records and accounts as shall be required by this Charter or by City Council. The City Administrator shall keep in permanent form minutes of all council meetings. The City Administrator shall also have the powers, rights and privileges granted by the City Council or by state law except as otherwise provided and shall perform all of the duties thereby imposed or granted.

All monies received and held by the City Administrator shall be turned over to a depository officially designated by the Council.

In the absence of the City Administrator, or during the City Administrator's disability, the Deputy City Administrator shall have all the powers, rights and privileges of the City Administrator as set forth above and shall perform all of the duties imposed and granted.

Sec. 2.09, OATH OF OFFICE: Every officer of the city before entering upon the duties of office shall 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 the State of Minnesota, and the charter and ordinances of the City of Windom, and to faithfully discharge the duties devolving upon me as \_\_\_\_\_ of the City of Windom, to the best of my judgment and ability."

Sec. 2.10, SALARIES: The mayor and council members shall receive such compensation as shall be recommended on or before January 1 of each even numbered year by this Charter Commission or its successor commission, as approved and fixed by the council in accordance with law. In the event said commission shall make no salary recommendation, the mayor and council members shall receive such compensation as is fixed by the council in accordance with law.

The City Administrator and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Sec. 2.11, OFFICIAL BONDS: The City Administrator and such other officers or employees as may be specified by ordinance shall each, before entering upon the duties of their respective office or employment, give a corporate surety bond to the City as security for the faithful performance of their official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the council determines and may be either individual or blanket bonds at the discretion of the council. They shall be approved by the city council and filed with the City Administrator. The provisions of state laws relating to official bonds not consistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Sec. 2.12, INVESTIGATION OF CITY AFFAIRS: The council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The council shall provide for an audit of the City's accounts at least once a year by the state department in charge of such work or by a certified public accountant. At any time the council may provide for an examination or audit of the accounts of any city officer or agency, and it may provide for any survey or research study of any subject of municipal concern.

### CHAPTER III Council and Legislation

Sec. 3.01, COUNCIL MEETING AND QUORUM: Regular meetings of the council of said City shall be held semimonthly. The first such meeting shall be held in the first half of the month and the second meeting in the second half of the month at the time designated from time to time by ordinance. A majority of said council shall constitute a quorum, but a smaller number may meet and adjourn from time to time as consistent with Minnesota Statutes. The mayor or any two members of the council may call special meetings of the council upon at least seventy-two (72) hours notice to each member in such reasonable public notice as may be described by council rule in compliance with the laws of Minnesota. To the extent provided by law, all meetings of the council and its committee shall be public; and any citizen shall have access to the minutes and records of the council at all reasonable times.

Sec. 3.02, RULES AND PROCEDURES: The council shall make its own rules, prescribe the order of business and keep a journal of its proceedings. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Sec. 3.03, ORDINANCES, RESOLUTIONS AND MOTIONS: Except as otherwise provided in this charter, all other legislation shall be by ordinance. The votes of the council members on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this chapter, an affirmative vote of the majority of all the members of the council shall be required for the adoption of all ordinances and resolutions.

Sec. 3.04, PROCEEDINGS OF ORDINANCES: The enacting clause of all ordinances shall be the words "BE IT ORDAINED BY THE CITY OF WINDOM, MINNESOTA, AS FOLLOWS:"

Every ordinance shall be in writing. Every ordinance, other than emergency ordinances, shall have two (2) public readings in full, and the second reading shall be not less than fourteen (14) days after the first reading thereof. Every ordinance shall be published forthwith once in the official newspaper of the City and shall take effect and be in force from and after its publication, except in case of emergency ordinances.

Sec. 3.05, EMERGENCY ORDINANCES AND RESOLUTIONS: An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble; and the ordinance is adopted by a vote of the majority members of the council. An emergency ordinance or resolution may be enacted at the meeting at which it is introduced and upon one reading thereof. Such emergency ordinance shall be published, but such ordinance shall take effect immediately upon its passage and before publication. No grant of any franchise or sale or lease of property shall be construed to be an emergency ordinance or resolution.

Sec. 3.06, SIGNING AND RECORDING ORDINANCES: Every ordinance or resolution passed by the council shall be signed by the mayor or by two of the members of the council, attested by the City Administrator and filed and preserved by the Administrator. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code or ordinance or part thereof without publishing the material referred to in full.

Sec. 3.07, AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS: Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, as codified, if any, and the title of the ordinance or resolution to be repealed in whole or part. No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

Sec. 3.08, PROCEEDINGS ON RESOLUTIONS: Every resolution may be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent.

Sec. 3.09, REVISION AND CODIFICATION OF ORDINANCES: The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet or continuously revised loose leaf form, and copies shall be made available by the council at the Office of the City Administrator for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the Office of the City Administrator and is published in the official newspaper for at least two (2) successive weeks.

#### CHAPTER IV Elections

Sec. 4.01, REGULAR MUNICIPAL ELECTION: A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year, commencing in the year 1984, at such place or places as the city council may designate. The City Administrator shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but the failure to give such notice shall not invalidate the election. The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City in the usual manner until the officers provided for in this charter are elected and qualified.

Sec. 4.02, SPECIAL ELECTIONS: The council may by resolution order a special election and provide all means for holding it. The Administrator shall give at least two (2) weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

Sec. 4.03, FILING FOR OFFICE: No earlier than 75 days or later than 45 days before the municipal election, any voter of the City qualified under the State constitution for elective office may, by filing an affidavit and paying a filing fee of \$5.00 to the City Administrator, have his/her name placed on the municipal primary ballot; or, if there is no primary election, on the municipal election ballot.

Sec. 4.04, PROCEDURES AT ELECTIONS: Subject to this charter and applicable of State laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this charter and supplementary ordinances, general State laws on elections shall apply to municipal elections.

#### CHAPTER V Administration of City Affairs - Departments

Sec. 5.01, SUBORDINATE OFFICERS: There shall be a City Administrator, a Deputy City Administrator, a City Attorney, a City Engineer, a Street Superintendent and other subordinate officers as are designated in this charter or as the council may create, each of whom shall be appointed by the mayor and whose appointment shall be confirmed by the council and shall perform such duties as are required of them by the council. The duties of the various officers may be altered or combined as the council may see fit.

Sec. 5.02, DEPARTMENTS: The City of Windom shall have the following departments: Fire, Planning, Police, and Utilities; and the Council may create, in addition, such other departments, boards, commissions or bureaus for the administration of the City's affairs as may seem necessary. The Council from time to time may define, alter or combine the powers and organization of departments, boards, commissions or bureaus.

Sec. 5.03, WINDOM MUNICIPAL UTILITIES DEPARTMENT: The electrical, water and sanitary sewer utilities of the City of Windom shall be under the direction of a Windom Municipal Utilities Commission composed of three (3) members. The members of the commission shall be appointed by the mayor for the term of three (3) years each and their appointment shall be confirmed and their salaries fixed by the city council.

One member of the commission shall be appointed each year for a term of three (3) years, and all appointments to said commission shall run until the second Tuesday in January of the third year following appointment and until a successor is appointed and qualified.

Sec. 5.04, FIRE DEPARTMENT: There shall be a chief of the Fire Department, elected by its members from the personnel of the voluntary fire department of the City of Windom; and whose election shall be elected and qualified. The chief shall submit a yearly budget to the council for approval.

Sec. 5.05, (deleted)

Sec. 5.06, PLANNING DEPARTMENT: The Planning Department shall be under the jurisdiction of a Planning Commission, which shall be composed of eight (8) members. All appointments shall be by the mayor and two (2) members shall be appointed from each precinct. All appointments shall be confirmed by the council. One member of the council shall be appointed to the Planning Commission as an ex officio member and said appointments shall be for that councilperson's term of office. Members appointed to the Planning Commission shall serve terms of four (4) years. Said terms shall be staggered so as to provide continuity of appointment and continuity of membership. Said appointments shall take effect upon the completion of present term of offices to comply with the staggered terms desired.

The powers and duties of the Planning Commission shall be defined by ordinance.

Sec. 5.07, POLICE DEPARTMENT: The mayor shall be the head of the Police Department. There shall be a Chief of Police and such other officers of the peace as the mayor, from time to time, may deem necessary. The Chief and all regular officers of the department shall possess the authority and rights of and perform all the duties prescribed under the law. The police civil service commission shall continue to function as provided by statute.

Sec. 5.08, AMBULANCE: The City of Windom may have an established ambulance service under the direction of the city council or their designated department, or by franchise granted by the council.

Sec. 5.09, MUNICIPAL HOSPITAL: The City of Windom may have a Municipal Hospital which shall be operated by a governing board, to be appointed by the mayor and confirmed by the city council. The number of directors shall be set by the city council, by ordinance, provided there shall be at least five (5) and no more than nine (9) and provision shall be made for the staggering of the terms of office of such members.

The board shall have control of the operation and management of hospital facilities and facilities of related care and for a medical clinic so long as such operations shall benefit the citizens of the City of Windom, and surrounding area, and is charged to operate said facilities in an effective and efficient manner to provide such services and facilities at a minimum cost to the City of Windom.

The board shall promulgate rules for operation of such facilities and said rules shall be approved by the council.

The board may from time to time establish, cooperate with and joint venture with other charitable nonprofit corporations to accomplish the above purposes.

The board shall submit for council approval a yearly budget and statement of operation and financial report sufficient to apprise the council of facility operations.

**Sec. 5.10, CONTRACTS AND PURCHASES:** In cases of work to be done by contract or in the purchase of property of any kind, except for the supplies and materials required for proper operation and maintenance by the public utilities herein referred to, where the amount involved is more than that set by State Statutes for municipalities, unless the council, by an emergency ordinance otherwise shall provide, the City Administrator shall procure bids in such a manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids.

**Sec. 5.11, ELECTION OF CONTRACTS:** All contracts, municipal bonds, certificates of indebtedness and all instruments of every kind to which the City shall be a party, shall be signed by the mayor and the City Administrator, or by their facsimile signature consistent with Minnesota Statute.

## CHAPTER VI Taxes and Finance

**Sec. 6.01, COUNCIL TO CONTROL FINANCES:** The council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts and safe keeping and disbursement of public moneys; and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

**Sec. 6.02, FISCAL YEAR:** The fiscal year of the City shall end each year on the last day of December.

**Sec. 6.03, BOARD OF REVIEW:** Three members of the council, selected by the council, shall constitute the voting members of a Board of Review for the City. The mayor shall be an ex officio member for the purpose of conducting the meeting. The administrator shall be an ex officio member for the purpose of recording the meeting. Neither the mayor nor the administrator shall have voting power. The Board of Review shall meet and perform their duties as provided by law.

**Sec. 6.04, LEVY AND COLLECTION OF TAXES:** The annual levy of taxes necessary to meet the requirements of the budget for the ensuing fiscal year, the collection of those taxes and the payment thereof shall be as provided by the statutes of the State of Minnesota. No tax shall be invalid by reason of an informality in the manner of levying the same, nor because the amount levied exceeds the amount required to be raised for the specific purpose for which the same is levied; but in such case, the surplus shall go into the fund to which such tax belongs.

Sec. 6.05, BONDED INDEBTEDNESS: All provisions of the Statutes of the State of Minnesota authorizing the incurring of indebtedness and the issuance of bonds or other evidences of indebtedness and prescribing the procedure therefore, by cities of like power and degree as the City of Windom, whether operating under home rule charters or, otherwise, are hereby referred to and made a part of this charter.

Sec. 6.06, CITY INDEBTEDNESS: Except as allowed by Minnesota Statute, no obligations shall be issued to pay current expenses; but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by law, no such obligation shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Sec. 6.07, ANNUAL CITY BUDGET: The City Administrator shall prepare and submit to the City Council a budget for the City's ensuing year, according to the time table and limitations provided by the statutes of the State of Minnesota. The City budget shall be based upon the detailed estimates and shall present the following information:

(a) An itemized statement of the appropriations recommended by the City budget committee for current expenses and for permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.

(b) Such other information as may be required by the Council.

Sec. 6.08, PASSAGE OF THE CITY BUDGET: The City budget shall be presented and adopted as required by statutes of the State of Minnesota. All interested persons shall have reasonable opportunity to be heard at council meetings considering said budget. The total appropriations in the budget shall be equal to or less than the total estimated revenues. The Council shall adopt the annual budget by resolution, which shall be by verbal "Aye" and "No" vote.

Sec. 6.09, ENFORCEMENT OF THE BUDGET: The city administrator shall enforce strictly the provisions of the budget. This office shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made in the budget resolution, and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase except for the purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than the one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll or time sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

Sec. 6.10, READING OF THE CITY BUDGET: The proposed budget shall have not less than two (2) readings, which readings shall be not less than seven (7) days apart.

Sec. 6.11, DISBURSEMENTS, HOW MADE: All disbursements except those made from public utility funds shall be made only upon regular vouchers, which shall indicate the fund out of which the disbursements shall be made, issued by the city administrator, duly authorized by the council and countersigned by the mayor. Each order, when signed by the city administrator, countersigned by the mayor, shall become a check payable to the payee at the bank indicated thereon. The administrator shall issue no checks upon any fund except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void, and any officer of this City violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No claim against the City shall be allowed unless accompanied by an itemized and verified statement, payroll or time sheet signed by the officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council by ordinances may make further regulations for the safekeeping and disbursement of the City's fund.

Sec. 6.12, FUNDS TO BE KEPT: The City shall keep a general fund, and such other funds as are required by State law, the charter or ordinances of said City, or by the council thereof.

Sec. 6.13, RECEIPTS TO GO TO THE CITY ADMINISTRATOR: All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid to the city administrator by the person authorized to receive the same at the close of each business day. All such moneys and also all moneys received upon tax settlements from the county treasurer shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the City guilty of a violation of this provision shall be liable to be reduced in salary or to be dismissed from his/her office or position, as the council may determine after the hearing.

Sec. 6.14, ACCOUNTS AND REPORTS: The council may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with the law, this charter and the ordinances in accord with it. The city administrator shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the council may require. Each March the City Administrator shall submit a report to the Council covering the entire financial operation of the City for the past fiscal year. It also shall show the outstanding bonds and debts of the City, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and contain any inventory of all the property owned by the City and such other information as the council may require.



Sec. 6.15, ANNUAL AUDIT: The books of the City shall be audited regularly at least once each year by some reliable firm of certified public accountants employed by the city council. In addition to reports furnished the city council, such certified public accountants shall furnish a condensed report covering their audit; and such condensed report shall be published once in the official City newspaper.

## CHAPTER VII Public Improvements and Special Assessments

Sec. 7.01, POWER TO MAKE IMPROVEMENTS AND ASSESSMENTS: The City of Windom shall have the power to make any and every type of public improvements not forbidden by the laws of this State and to levy special assessments for all such as are of a local character.

Sec. 7.02, ASSESSMENTS: The amount assessed to benefit property to pay for local improvements may equal the cost of the improvement with interest until paid.

Sec. 7.03, PENDING IMPROVEMENTS TO BE CONTINUED UNDER EXISTING LAWS: All improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

Sec. 7.04, STATE LAWS MADE APPLICABLE: Except as herein otherwise provided, the Statutes of the State of Minnesota governing, controlling and regulating the making of public improvements of every type and character, and of special assessments therefore, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereof and supplements thereto, shall apply, govern, control and regulate in the City of Windom.

## CHAPTER VIII Acquisition and Deposition of Real Property and Powers of Eminent Domain

Sec. 8.01, 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, Chapter 117 or other applicable law.

Sec. 8.02, 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.

CHAPTER IX  
Franchises

Sec. 9.01, 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 therefore from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the administrator to guarantee publication before the ordinance is passed.

Sec. 9.02, TERM: No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty-five years shall be effective until approved by a majority of the electors voting thereon.

Sec. 9.03, PUBLIC HEARING: Before any franchise ordinance is adopted or any rates, fares or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Sec. 9.04, POWER OF REGULATION RESERVED: Subject to any applicable law, the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares or prices under any applicable law, ordinance or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Sec. 9.05, RENEWALS OR EXTENSIONS: Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER X  
Windom Municipal Utilities

Sec. 10.01, ORGANIZATION POWERS: The Windom Municipal Utilities Board shall organize by electing one of its members president, and one of its members as vice president and the city administrator's office or designee shall become the secretary. Said board shall employ superintendent(s) who shall also act as collector, an engineer and such other necessary help as will enable it to properly perform its duties under this charter and may discharge said employees at will. Said board shall prescribe the duties of all such employees and shall fix their compensation. Said board and its employees may enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the City against any person for the use of electricity, water and sanitary sewer, or for injury to any of the property or works entrusted to its care.

Said board may require from those it employs a bond with corporate surety for the faithful performance of their duties. The amount of such bonds shall be fixed by the board, provided, however, a collector's bond shall be a minimum face amount of \$25,000.00.

Sec. 10.02, BY-LAWS, RULES: Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by-laws, rules and regulations to be entered in a book kept for that purpose and signed by the president and secretary, which, when so entered and signed, shall be open at all times for inspection and shall be evidence in any court of justice. Said board shall fix and maintain the rents and rates for water, light and sewer service furnished by it, so that the water, light and sewer service fund of the City shall, in each fiscal year, be at least sufficient to defray the cost of the operation, maintenance and extension of the water, light and sewer service system of the City and to pay the interest on all bonds of the City designated under this charter, which have been issued on account of the construction of the water, light and sewer service plant.

Sec. 10.03, REGULATIONS AND RATES: Said board shall regulate the distribution and use of water, light and sewer in all places and for all purposes where the same shall be required for either public or private use and shall fix the price and rates therefore provided, that, in case of hydrants for extinguishing fires, fountains and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct. The City shall pay, out of the general fund to the account of the board or to the water, light and sewer service fund, at the price and rate fixed by the board, for all water, light and sewer service supplied to the City for public purposes.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, light and sewer service and may, when in its judgement necessary, shut off the water, light or sewer service or take such action as in its judgement may be proper.

Sec. 10.04, METHODS OF PAYMENT: The board shall have full power and authority to prescribe the time and manner of payment for any services rendered under the control of said board and make such other regulations, including requirements for advance payment as may be necessary and consistent with Minnesota laws and may prescribe penalties for violations of such regulations in accordance with Minnesota law. In the event payments are not made in accordance with the prescribed time and manner of payments, the board shall have authority to shut off such water and electrical services and shall not again supply said building, place or premises with water or light until all arrears, with interest thereon, together with the costs and expense of turning said water or lights off and on, shall have been fully paid in accordance with Minnesota Statutes. Said policy shall be in accordance with State Statutes and shall be set in a policy outline or policy procedure format as set forth in the minutes of said board from time to time.

Sec. 10.05, LIABILITY OF OWNER OF PROPERTY: The board may from time to time set the liability policy for the owners and occupants of said premises for use of water, electrical and sanitary services, and said policy shall be set forth in a policy outline or policy procedure in the minutes of said board from time to time.

Sec. 10.06, SUPPLIES: All supplies for the electrical, water or sanitary sewer plants shall be purchased as follows: Those supplies normally needed shall be budgeted for and shown in the annual budget of said plant as provided to the council and approved by its members in the normal fashion as provided for in Chapter 6. Said supplies may be purchased by the Superintendent or Department Head of such plant, and the itemized bill for such items purchased shall be submitted to the administrator and approved for payment by the Windom Municipal Utility Board at its next scheduled meeting; payment shall then be made by the administrator. The city council may at any time review such expenditures and provide alternative methods of purchase or supervision by ordinance as the city council shall see fit.

All expenditures for capital improvement or supply shall comply with the statutory limits requiring written quotation or invitation for proposals for such services or supplies.

The council may, by ordinance, add to or delete from the powers and duties prescribed under this section.

Sec. 10.07, DUTIES OF COLLECTOR AND SECRETARY: The duties of the collector and secretary shall be set by the board by a policy outline or policy procedure as contained in the minutes from time to time.

Sec. 10.08, EXTENSIONS AND SERVICE: Extension of City utility services shall not be made except when recommended by said board and approved by the council.

Sec. 10.09, POLICY OUTLINE AND POLICY PROCEDURES OF THE COMMISSION: The policy outline or policy procedures of the commission shall at all times be subject to review and change by the city council, and said changes shall be provided to the Windom Municipal Utilities Commission in written form and shall be accepted by said commission and shall become the new policy outline or policy procedure, if required by the city council.

## CHAPTER XI General Provisions

Sec. 11.01, OFFICIAL PUBLICATION: The council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Sec. 11.02, CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY: The City shall succeed to all the property, rights and privileges and shall be subject to all the legal obligations of the City under the former charter.

Sec. 11.03, PRESENT OFFICERS TO HOLD OFFICE UNTIL WHEN: The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City in the usual manner until the officers provided for in this charter are elected and qualified. They shall make provision for the election of the first city council as provided for in Chapter IV of this charter.

Sec. 11.04, EXISTING ORDINANCES CONTINUED: All ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

Sec. 11.05, PENDING CONDEMNATIONS, IMPROVEMENTS AND ASSESSMENTS: Any condemnation, improvement or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this charter takes effect shall be collected as if the charter had not been adopted.

Sec. 11.06, ORDINANCES TO MAKE CHARTER EFFECTIVE: The council shall by ordinance, resolution or other appropriate action take such steps as may be necessary to make effective the provisions of the charter.

Sec. 11.07, STATE LAWS TO APPLY: Whenever in this charter the statutes or laws of the State of Minnesota are made applicable to said City by reference, such reference shall include all amendments and supplements to said laws, including future amendments and supplements to all the statutes and laws of the State of Minnesota made applicable to said City.

Sec. 11.08, This charter becomes effective on June 20, 1984 and as amended.