

CHAPTER 1
NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01 NAMES AND BOUNDARIES

The City of Biwabik, St. Louis County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

Section 1.02 POWER OF THE CITY

The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state of exercise in harmony with the constitution 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 power of the City of those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

CHAPTER 2
FORM OF GOVERNMENT

Section 2.01 FORM OF GOVERNMENT

The form of government established by this charter is the "Weak Mayor – Council Plan." Except as otherwise provided by law or this charter, all powers of City are vested in the City Council. The City Council shall have complete control of the City Administration.

Section 2.01.1 COUNCIL COMPOSITION AND ELECTION

The Council shall be composed of a Mayor and four Councilpersons who shall be qualified electors and who shall be elected at large. Each Council person shall serve a term of four years and or until their successor is elected and qualifies. The Mayor shall serve for a term of two years and/or until their successor is elected and qualifies.

Section 2.02 DEPARTMENT OF ADMINISTRATION

The Council shall create such departments, commissions, divisions, and bureaus for the administration of the City's affairs as may seem necessary, and from time to time alter the powers and organization of the same.

Section 2.03 THE MAYOR

The Mayor shall be the presiding officer of the council and shall have a vote as a member. They shall not have any veto powers. The Council shall choose from their members a president pro tempore who shall hold office at the pleasure of the Council. That person shall serve as President in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall be recognized as the head of the City Government for all ceremonial purposes, and by the governor for the purpose of martial law, but they shall have no administrative duties.

Section 2.04 SUBORDINATE OFFICERS

The City Council shall appoint the following administrative officers: a City Administrator and a City Treasurer. Each such administrative officer shall be appointed for an indefinite term, and shall be appointed solely on the basis of merit and fitness for their duties. The Council shall fix such compensation for each administrative officer as will secure competent and faithful performance of duties thereof. The City Administrator and the City Treasurer shall be subject to the direction of the City Council and Mayor and shall have such duties in connection with keeping public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as the Council may prescribe. The City Attorney shall be a person who has been admitted to practice in all the courts of this State. They shall be subject to the direction of the City Council and Mayor. They shall be the legal advisor and/or the attorney for the City and all departments, commissions, boards and officers thereof in addition to their official powers and duties. No temporary replacement, special or assistant attorney shall be employed without the prior approval of the Council.

Section 2.05 BOARDS AND COMMISSIONS

The Council may establish Boards or Commissions to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions. Such Boards or Commissions shall not perform administrative functions on behalf of the City. With the exception of the Public Utilities Commission as provided by Section 2.07, Charter Commission as provided by Section 2.08, and Planning Commission as provided by City Ordinance, there shall be no separate administrative Board of Health , Library Board, or any other administrative Board or Commission except for the administration of a function jointly with another political subdivision. Except as otherwise provided in this Section, the Council shall themselves be and perform the powers of such Boards or Commissions provided for by statute. The members of any board or commission with the exception of the Public Utilities Commission, shall not draw a salary. (Per Ordinance 135.30 July, 2000)

Section 2.06 POLICE COMMISSION

Police Commission deleted from Charter. (Per Ordinance No. 135.21, Section 1)

Section 2.07 BIWABIK PUBLIC UTILITIES COMMISSION

From the acceptance of this charter there shall be a Biwabik Public Utilities Commission. There shall be three Commissioners appointed by the City Council. The Chairperson may be rotated on a yearly basis unless determined at the annual reorganizational meeting by the full Commission that the Chair can be retained for another year. The Public Utilities Commission shall have the power to manage and operate such water, sewer, electrical plants, gas, heat and other utilities as the City may own or acquire. Along with the City Council, the Commission shall hire an entity who shall be required to show that they/it meet(s) the requirements set by the job description.

As allowed in Section 11.02, the Commission shall set such charges against each class of consumer, public or private, for gas, heat, water, sewer, electricity or other Utilities services as will meet the cost of production and transmission of such Utilities consumed by such class of consumer, and as will, in the judgment of the Commission, yield appropriate sums for depreciation and reserve accounts, for the retirement of any bonded indebtedness incurred by the City for capital expenditures of the department. From the various funds of the department, and the proceeds of such bonds of the City of Biwabik as may be sold to provide funds for capital expenditures, the Commission shall have the power to purchase or

otherwise acquire such equipment, or to sell all water, sewer, gas, heat, electricity and other utility services to any person or corporate body outside the territorial limits of the City of Biwabik, and to buy such Utilities from any such person or corporate body. The Commission shall have control over funds derived from the operation of the department and the proceeds of such bonds of the City operation as may be sold to provide funds established for the payment of bonds and interest.

Section 2.08 CITY CHARTER COMMISSION

There shall be a Charter Commission. It shall meet at least once per year. If changes in the charter are called for, more meetings will be needed. Election of officers shall be held every three years. The commission shall consist of not less than seven, nor more than fifteen. There shall be one member over half to be considered a quorum for holding meetings.

Section 2.08.1 CITY CHARTER ANNUAL MEETING DATE

There shall be an annual meeting date established for the City Charter Commission. The annual meeting shall be held in the month of April of each year and the date shall be the fourth Tuesday.

Section 2.09 BIWABIK VOLUNTEER FIRE DEPARTMENT

There shall be a Biwabik Volunteer Fire Department which is governed by City Council approved by-laws.

Section 2.09.1 FIREMEN'S RELIEF FUND

From the general fund into the Firemen's Relief Fund shall be paid annually, as long as there is a Biwabik Firemen's Relief Association a sum of not less than \$5,000.00. This amount may be changed by a unanimous Resolution of the City Council.

Section 2.10 CONFLICT OF INTEREST

No member of the Council shall hold any incompatible office or employment under the City.

Section 2.10.1 CONFLICT OF TERM OF OFFICE

Until one year after the expiration of their term as Mayor or Councilperson or Administrator, no former member shall be appointed to any paid office or employment under the City which office or employment was created or the emolument of which were increased during their term as Mayor, Councilperson, or Administrator.

Section 2.10.2 CONFLICT VARIANCE

By resolution, the Council may allow individual variances to Section 2.10 and 2.10.1.

Section 2.11 VACANCIES

Whenever a vacancy occurs in any said elective office of the City, the Council shall, by resolution, appoint a qualified person to serve the unexpired term of such office. A vacancy shall be deemed to exist in case of the failure of any person elected or appointed thereto to qualify on or before the date of their term begins; or by reason of their death, resignation, removal from the City, or continuous absence from the City for more than three months; or by reason of conviction of a felony of any such person whether before or after his qualification; or by reason of the failure of any such person without good

cause to perform any of the duties of their office for a period of three months. In such case, the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill such vacated office until the next regular municipal election, when the office shall be filled for the unexpired term.

Section 2.12 REMOVAL OF APPOINTED OFFICERS OF THE CITY

Any Administrative Officer of the City, any or all members of any Commission of the City, or any appointed Officer of the City may be removed from their office by the affirmative vote of two-thirds of all members of the Council; but no such officer shall be so removed except for just cause, nor unless they have first been furnished with a copy of the charges against him/her, and has had reasonable opportunity to be heard, in person or by counsel, in his own defense.

Section 2.13 RECALL OF ELECTIVE OFFICERS

Any five voters of the City may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Administrator the name of the Officer whose removal is sought, a statement of not more than two hundred and fifty words of grounds for removal, and a declaration of their intention to bring about their recall. A copy of this certificate shall be attached to each signature paper, and no signature paper shall be put into circulation prior to such certification. The petition for the recall of an Official, consisting of a certificate identical with that filed with the City Administrator, together with all the signature papers and affidavits thereto attached, shall be signed by a number of voters equal to at least twenty percent of the total number of votes cast at the last preceding regular municipal election for the office. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Administrator, who shall examine the same within the next five days, and if they finds it irregular or insufficient in any way they 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 that time the City Administrator shall find the petition still to be irregular or insufficient, they shall notify all the members of the committee to that effect and shall file the petition in their office, and no further action shall be taken thereon. If the petition be 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 their next meeting provide for the holding of a special recall election for the office. The recall election shall be held not less than thirty nor more than fortyfive days thereafter; provided, that if any other election is to occur within sixty days after such meeting, the Council may at their discretion provide for the holding of the recall election at that time. In the published call for the election there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of their course in office. In the recall election the officer whose recall is sought shall be a candidate; any other person or persons may file as candidates for the office not later than ten days prior to the date of the recall election; such filing, except for the specification of dates, shall be according to the provisions of Section 4.01. The candidate receiving the greatest number of votes in the recall election shall be deemed elected to complete the unexpired term

of the office for which they was elected. Should no other candidate beside the incumbent file prior to ten days before the date set for the recall election, the election shall not be held; the incumbent shall thereupon complete the unexpired term of their office. Should the incumbent resign their office prior to ten days before the recall election, the election shall not be held, and the City Administrator shall thereupon certify the office to be vacant. Any vacancy created by such resignation shall be filled by the council as provided in Section 2.11.

Section 2.14 TITLE OF RESIDENCY

The City Council shall impose a residency requirement for appointments to the City's Commissions, Boards and Committees based on the City's territorial limits. In the event the City does not have sufficient applicants for vacancies to their commissions, boards and/or Committees from within the City territorial limits, the City Council shall have the right and final decision to appoint applicants from the Town of Biwabik and/or the Lakeland Unorganized Territory under the jurisdiction of St. Louis County to fill the vacancies. The City Council at their discretion may reappoint applicants to a second term.

Section 2.15 SALARIES The salaries will be set by the City Council in accordance with Minnesota State Statutes. The salary increases will take effect following the next election.

Section 2.16 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 accounts for the City at least once a year by the State Department in charge of such work or by a public accountant. At any time the Council may provide for an examination of 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 3
PROCEDURE OF THE COUNCIL**

Section 3.01 COUNCIL MEETINGS

The Council shall meet regularly, at least once each month, at such times and places as the Council may designate by rule. The Mayor or any three members of the Council may call special meetings of the Council upon at least 72 hours notice to each member and such reasonable public notice as may be prescribed by Council rule in compliance with the laws of Minnesota. To the extent provided by law, all meetings of the Council and their Committees shall be public and any citizen shall have access to the minutes and records of the Council at all reasonable times.

Section 3.02 SECRETARY OF COUNCIL

The City Administrator shall act as secretary of the Council. They shall keep a journal of Council proceedings and performs such other duties as this charter or Council may require. The Council may designate any other City Official or employee except the Mayor or member of the Council to act as secretary of the Council.

Section 3.03 RULES OF PROCEDURE AND QUORUM

The Council shall determine their own rules and order of business. A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time. No ordinance, resolution, motion or other procedure shall be adopted unless passed by a majority of those voting.

Section 3.04 ORDINANCES, RESOLUTION, AND MOTION

Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of Council, taken by roll call; on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this charter, an affirmative vote of a majority of all members of the Council shall be required for the adoption of all ordinances and resolutions.

Section 3.05 PROCEDURE ON ORDINANCES

Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of Biwabik Ordains." No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.

Section 3.06 EMERGENCY ORDINANCES

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, safety, or welfare in which the emergency is defined and declared in the preamble and the ordinance is adopted by a vote of at least three members of the Council.

Section 3.07 PROCEDURE ON RESOLUTIONS

Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent.

Section 3.08 SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS

Every ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Administrator and filed and preserved by him/her. Every ordinance shall be filed and preserved by him/her. 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.

Section 3.09 WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT

Every resolution and emergency ordinance shall take effect immediately upon its passage or at such date as it specifies. Every other ordinance shall take effect thirty days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such later date as it specifies.

Section 3.10 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTION Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and

the title of the ordinance or resolution to be repealed in whole or in 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 omitted or added.

Section 3.11 REVISION AND CODIFICATION OF ORDINANCE

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 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 is published in the official newspaper for at least two successive weeks.

CHAPTER 4 NOMINATIONS AND ELECTIONS

Section 4.01 THE 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 2020 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 failure to give such notice shall not invalidate the election.

Section 4.01.1 PRIMARY ELECTION

(Deleted Per 135.29, June 1999)

Section 4.02 SPECIAL ELECTION

The Council may by resolution order a special election and provide all means for holding it. The City Administrator shall give two 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.

Section 4.03 FILING FOR OFFICE

Filing for elective office will be in accordance to the schedule established in state statutes for election laws. Any voter of the City under the state constitution for elective office may, by filing an affidavit and paying a filing fee to the City Administrator, have their name placed on the municipal election ballot.

Section 4.04 PROCEDURE AT ELECTION

Subject to this charter and applicable 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 election shall apply to municipal elections.

CHAPTER 5 INITIATIVE AND REFERENDUM

Section 5.01 GENERAL VOTER AUTHORITY

The voters of the City shall have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as initiative and referendum.

Section 5.02 PETITIONS

An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to 20 percent of those who voted for Mayor in the last preceding City election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.05 or 5.06, as the case may be. Each signer shall sign their name and give their street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is a genuine signature of the person whose name it purports to be. The person whose name appears on a petition may withdraw their name by statement in writing filed with the City Administrator before the City Administrator advises the Council of the sufficiency of the petition.

Section 5.03 DETERMINATION OF SUFFICIENCY

Immediately upon receipt of the petition, the City Administrator shall examine the petition as to its sufficiency and report to the Council within twenty days. Upon receiving the report, the Council shall determine by resolution the sufficiency of the petition.

Section 5.04 DISPOSITION OF INSUFFICIENT PETITION

If the Council determines that the petition is insufficient or irregular, the City Administrator shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the Council finds that the petition is still insufficient or irregular, the City Administrator shall file the petition in their office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

Section 5.05 INITIATIVE

Any ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, or levy of taxes, or the salaries of City Officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the Council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by the statement filed with the City Administrator within ten days of its passage by the Council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within sixty days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the City. If no election is to occur within 120 days after the filing of the petition, the Council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the

ordinance vote in its favor, it shall become effective thirty days after adoption unless the ordinance specifies a later effective date.

Section 5.06 REFERENDUM

Any ordinance subject to the initiative may be subjected to referendum by a petition which shall state, at the head of each page or on a attached paper, a description of the ordinance. Any ordinance upon which a petition is filed, other than an emergency ordinance shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be place on the ballot at the next election or at a special election called for the purpose, as the Council determines. If a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon vote against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect but shall be repealed if a majority of the voters voting on the ordinance vote against it.

CHAPTER 6 ADMINISTRATION OF CITY AFFAIRS

Section 6.01 PURCHASES AND CONTRACTS

All purchases on behalf of the City except those permitted to be made by the Biwabik Public Utilities Commission shall be made, and all contracts let by the City Council. All contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor and City Administrator on behalf of the City, and shall be executed in the name of the City.

Section 6.02 CONTRACTS. HOW LET

In all cases of work to be done by contract, all of the purchase of personal property of any kind, where the amount involved is more than allowed by the State of Minnesota, the City Council or their Commission shall advertise for bids by one week published notice in the official newspaper or in a newspaper published in the county. Contracts shall be made in compliance with the uniform contracting law, and wherever competitive bids are required, the contract shall be let to the lowest responsible bidder. The Council or their Commission may, however, reject any and all bids. All contracts, bonds, and instruments of any kind to which the City is party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

CHAPTER 7 FINANCES AND TAXATION

Section 7.01 COUNCIL TO CONTROL FINANCES

The Council shall have full authority over the financial affairs of the City. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies.

Section 7.02 FISCAL YEAR

The fiscal year of the City shall be the calendar year.

Section 7.03 SYSTEM OF TAXATION

Subject to the state constitution and except as forbidden by it or by state law, the Council shall have full power to provide by resolution or ordinance for a system of local taxation. This authority includes the power by resolution or ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this charter or by laws imposing restrictions upon the City irrespective of charter provisions.

Section 7.04 SUBMISSION OF BUDGET

Annually the City Administrator shall submit to the Council their recommended budget in accordance with a budget calendar to be established by ordinance. The budget shall provide a complete financial plan for all City Funds and activities for the ensuing fiscal year and, except as required by law or charter, shall be in such form as the City Council and Mayor deem desirable or require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditures. For each utility operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendixes. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and law.

Section 7.05 COUNCIL ACTION ON BUDGET

The budget shall be considered as established in ordinance as provided for in Charter Section 7.04 Submission of Budget. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council shall adopt the budget in accordance with the established ordinance as provided for in Charter Section 7.04 Submission of Budget and Minnesota State Law. Adoption of the budget shall be by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purpose of budget control. In conjunction with the budget process, the City Council shall also adopt a resolution levying the amount of taxes provided in the budget and the administrator shall certify the tax resolution to the county auditor in accordance with Minnesota State Law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal calendar year of the sums fixed in the resolutions for the several purposes named.

Section 7.06 ENFORCEMENT OF THE BUDGET

The City Administrator shall enforce strictly the provisions of the budget. They 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 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 a 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 insured or transfer made to any account other than one owned by the itemized bill, payroll, or time-sheet or other document approved and signed by the responsible City officer who vouches for its correctness and reasonableness.

Section 7.07 ALTERATIONS IN THE BUDGET

After the budget resolution has been adopted, the Council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time the Council may by resolution approved by a majority of their members reduce the sums from unencumbered balances appropriations in the budget resolution to other purposes.

Section 7.08 FUNDS

There shall be maintained in the City Treasury a general fund and such other funds as may be required by statute, ordinance, or resolution. The Council may, by ordinance or resolution make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

Section 7.09 CITY INDEBTEDNESS

Except as provided in Sections 7.10 and 7.11, 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 obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Section 7.10 ANTICIPATION CERTIFICATES

At any time after January 1 the Council may issue certificates of indebtedness in anticipation of state and federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed the total of state and federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

Section 7.11 EMERGENCY DEBT CERTIFICATES

If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, emergency necessitates the making of extraordinary expenditures, the Council may by ordinance issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three years. A tax sufficient to pay principal and interest in such certificates with the margin required by law shall be levied as required

by law. The ordinance authorizing an issue of such emergency debt certificate shall state the nature of the emergency and be approved by a majority of the Council. It may be passed as an emergency ordinance.

Section 7.12 PERMANENT IMPROVEMENT REPLACEMENT FUND

There shall be maintained in the City Treasury monies to be designated and reserved for capital equipment and building improvements/acquisitions. These monies will be designated and reserved within the general fund of the City. The permanent improvement replacement fund shall be closed into the general fund effective to January 1, 1988 with the balance being designated and reserved in **accordance** with this section of the charter. Further, all monies previously designated as revenues to the permanent improvement replacement fund shall be re-designated to the appropriate departments within the general fund by formal City Council action in accordance with generally accepted accounting principles. Utilization of monies designated and reserved for capital equipment and building improvements/acquisition under this section of the charter will require a resolution of the City Council specifying the purpose and dollar amount. Monies shall only be undesignated and unreserved for a specific usage related to capital equipment and building improvements/acquisition. There shall be no monies allowed from this reservation to fund the general operations of the City. The City shall appropriate a minimum of \$5,000 annually from the general fund to be designated and reserved for capital equipment and building improvements/acquisitions. Any capital equipment and/or building improvements/acquisitions that were funded through monies designated and reserved for these special purposes and that are later sold, will require that any proceeds from the sale shall be returned to the general fund to be designated and reserved for future capital equipment and building improvements/acquisitions.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS

The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of local character. The total assessments for any local improvement may not exceed the cost of the improvement, including costs and expenses connected therewith, with interest.

Section 8.02 ASSESSMENTS FOR SERVICE

The Council may provide by ordinance that the cost of City services to streets, sidewalks or other public or private property may be assessed against property benefitted and collected in the same manner as special assessments.

Section 8.03 LOCAL IMPROVEMENT PROCEDURE

When the City undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The Council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

CHAPTER 9 EMINENT DOMAIN

Section 9.01 ACQUISITION OF PROPERTY

The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER 10 FRANCHISES

Section 10.01 FRANCHISES REQUIRED

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Administrator to guarantee publication before the ordinance is passed.

Section 10.02 TERMS

No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding fifteen years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03 PUBLIC HEARING

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged or changed 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 days prior to the date of the hearing.

Section 10.04 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 price under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05 RENEWALS OR 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 11

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.01 ACQUISITION AND OPERATION OF UTILITIES

The City may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The City shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the Council. Such ordinance shall not be an emergency ordinance.

Section 11.02 REGULATION AND RATES

The Biwabik Public Utilities may fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations. The Biwabik Public Utilities must report to the City Council and a public hearing held before any rate increase.

Section 11.03 OPERATION OF PLANT

The Biwabik Public Utility Commission, upon notifying the Biwabik City Council may contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed 10 years. Upon agreement between the Biwabik Public Utility and the Biwabik City Council, that contract may be extended or renegotiated with the same or different entity.

Section 11.04 SALE OF PUBLIC UTILITY

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance passed by the total Council, approved by a majority of the voters voting thereon at a general or special election. Any sale lease or abandonment of a water works, or light plant shall be subject, in addition, to the requirements of state law.

CHAPTER 12 GENERAL PROVISIONS

Section 12.01 OFFICIAL PUBLICATIONS

The Council shall annually at their first meeting of the year designate a legal newspaper of general circulation in the City as their 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.

Section 12.02 OATH OF OFFICE

Every elected or appointed officer of the City shall, before entering upon the duties of their office, take and subscribe an oath of office in substantially the following form; "I do solemnly swear (or affirm) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me....(title of office) of the City of Biwabik to the best of my judgement and ability."

Section 12.03 OFFICIAL BONDS

The City Administrator, and such other officers or employees of the City 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 be either individual or blanket bonds at the discretion of the Council and filed with the City Administrator. The provisions of state laws relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Section 12.04 OFFICIAL INTEREST IN CONTRACTS

Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal or financial interest in or personally benefit from such contract.

Section 12.05 SALE OF REAL PROPERTY

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

Section 12.06 VACATION OF STREETS

The Council may by ordinance approved by a majority of all voting members of the Council vacate any street or alley or other public grounds thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.07 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 legal obligations of the City under the former charter.

Section 12.08 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.

Section 12.09 PENDING CONDEMNATION, IMPROVEMENTS AND ASSESSMENT

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 this charter had not been adopted.

Section 12.10 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 this charter.

Section 12.11 PRESENT OFFICERS CONTINUED

The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City under the laws and charter previously in effect until the officers provided for by this charter have been elected and qualify. They shall make such financial and other provisions for the fiscal year 2020 as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first City Council as provided in Chapter 4 of this charter.

Section 12.12 DONATIONS

The City Council may donate to and pay dues to such organizations and things that the municipality may be wholly or partly be interested in in accordance with applicable public purpose expenditure laws

Section 12.13 MUNICIPAL TRIPS

Municipal travel or trips on municipal business shall not cost the City for each person more than the current state rate of travel.

Section 12.14 EFFECTIVE DATE

This charter becomes effective December 7, 2020.