



CITY CHARTER

CITY OF ANOKA

2015 First Avenue North

Anoka, MN 55303-2270

Phone: 763-576-2700

Fax: 763-576-2727

www.ci.anoka.mn.us

ANOKA CITY CHARTER

TABLE OF CONTENTS

CHAPTER 1	Names, Boundaries, Powers and General Provisions
1.01	Names and Boundaries
1.02	Powers
1.03	Charter, a Public Act
CHAPTER 2	Form of Government
2.01	Form of Government
2.02	Boards and Commissions
2.03	Elective Officers
2.04	Incompatible Offices
2.05	Vacancies in Elected Offices
2.06	The Mayor
2.07	Salaries
2.08	Investigation of City Affairs
2.09	Interference with Administration
CHAPTER 3	Council Procedures
3.01	Council Meetings
3.02	Secretary to the Council
3.03	Rules of Procedure and Quorum
3.04	Ordinances, Resolutions and Motions
3.05	Procedure on Ordinances
3.06	Emergency Ordinances
3.07	Procedure on Resolutions
3.08	Signing and Publication of Ordinances and Resolutions
3.09	When Ordinances and Resolutions Take Effect
3.10	Amendment and Repeal of Ordinances
3.11	Incorporation of Statutes, Rules, Regulations and Codes by Reference
3.12	Codification and Publication of Ordinances or other Material
CHAPTER 4	Nominations and Elections
4.01	Regular Municipal Election
4.02	Polling Hours
4.03	Primary Elections
4.04	Special Elections
4.05	Nominations by Petition or by an Affidavit of Candidacy
4.06	Nomination Petition
4.07	Withdrawal of Candidate
4.08	Canvass of Elections
4.09	Procedure at Elections

CHAPTER 5	Recall of Elective Officers
5.01	Voters May Remove
5.02	Petition
5.03	Proceedings on Condition
5.04	Submission of Petition and Response to City Council
5.05	Election Under Recall, Notice of Election, Names on Ballot
5.06	Incapacity of Recalled Officers

CHAPTER 6	Initiative and Referendum
6.01	Powers Reserved by the People
6.02	Expenditures by Petitioners
6.03	Further Regulations
6.04	Initiation of Measure
6.05	Form of Petition and of Signature Papers
6.06	Filing of Petition and Action Thereon
6.07	Action of Council on Petition
6.08	Initiative Ballots
6.09	Amendment or Repeal
6.10	Initiation of Charter Amendments
6.11	The Referendum
6.12	Referendum Petition
6.13	Referendum Ballots

CHAPTER 7	Administration of City Affairs
7.01	The City Manager
7.02	Powers and Duties of the City Manager
7.03	Departments of Administration
7.04	City Attorney
7.05	Attendance of Employees at Council Meetings
7.06	Contracts

CHAPTER 8	Taxation and Finances
8.01	Council to Control Finances
8.02	Fiscal Year
8.03	System of Taxation
8.04	Board of Equalization
8.05	Preparation and Submission of Annual Budget
8.06	Form of Annual Budget
8.07	Passage of Annual Budget
8.08	Enforcement of the Budget
8.09	Altering or Adjusting the Budget
8.10	Emergency Appropriation in Budget
8.11	Disbursements
8.12	Funds
8.13	Accounts and Reports

8.14	City Indebtedness
8.15	Tax Anticipation Certificates
8.16	Emergency Debt Certificates
CHAPTER 9	Public Improvements and Special Assessments
9.01	Power to Make Improvements and Levy Assessments
9.02	Assessments for Services
9.03	Purchase of Land for Delinquent Assessments
9.04	Public Works; How Performed
CHAPTER 10	Eminent Domain
10.01	Power to Acquire Property
10.02	Proceedings in Acquiring Property
10.03	Payment of Award
10.04	City May Abandon Proceedings
10.05	City May Take Entire Plant
CHAPTER 11	Franchises
11.01	Franchises Required
11.02	Term
11.03	Public Hearing
11.04	Power of Regulation Reserved
11.05	Renewals or Extensions
CHAPTER 12	Public Ownership and Operation of Utilities
12.01	Acquisition and Operation of Utilities
12.02	Rates and Finances
12.03	Purchase in Bulk
12.04	Lease of Plant
12.05	Public Utility; How Sold
12.06	Notice of Public Hearings
CHAPTER 13	Miscellaneous and Transitory Provisions
13.01	Official Publications
13.02	Oath of Office
13.03	Financial Interest in Contracts
13.04	Official Bonds
13.05	Sales of Real Property
13.06	Vacation of Streets
13.07	Statutes not Affected by Charter
13.08	Existing Ordinances and Resolutions Continued
13.09	Pending Condemnations and Assessments
13.10	Dispositions of Fines and Penalties
13.11	Ordinances to Make Charter Effective
13.12	Police Belong to Public Employees Police/Fire Fund

CHAPTER 1. NAMES, BOUNDARIES AND GENERAL PROVISIONS

Section 1.01 Name and Boundaries.

The municipal corporation now existing and known as the “City of Anoka” shall remain and continue to be a body politic and corporate under the same name and with the same boundaries, and with power and authority to change its boundaries in the manner authorized by law.

Section 1.02 Powers.

The City shall have all powers, granted to a municipal corporation by the State of Minnesota, and may at any time exercise said powers. It is the intention of this Charter, that every power, which the people of the City might lawfully confer upon themselves as a municipal corporation by specific enumeration in this Charter, shall be deemed to be so conferred by the provisions of this section. The Charter shall be construed liberally in favor of the City, and the specific mention of particular powers shall not be construed as limiting in any way the generality of the powers hereby conferred.

Section 1.03 Charter a Public Act.

The Charter shall be a public act and need not be pleaded or proved in any case. Except as otherwise provided herein, it shall take effect thirty (30) days from and after its adoption by the voters.

CHAPTER 2. FORM OF GOVERNMENT

Section 2.01 Form of Government.

The government of the City shall be of the “Council-Manager” form. The Council shall exercise legislative power for the City and shall determine all matters of policy. The City Manager shall be the Chief Administrative Officer and shall be responsible to the Council for proper administration of all affairs relating to the City.

Council-Manager Form of Government Adopted in 1914

Section 2.02 Boards and Commissions.

There shall be no separate administrative boards or commissions, except for those, which might be required by, or have heretofore been established or may hereafter be established, pursuant to State Statutes or pursuant to Chapter 8, Section 8.04 hereof. The Council shall itself be and perform the duties and exercise powers of all administrative boards and commissions. The Council may; however, establish boards or commissions to advise them with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions; no member of the Council and no employees of the City shall be a member of any board or commission so established except as an ex officio member. Members of boards, commissions and committees, including the HRA, shall be appointed by a majority vote of the City Council.

Section 2.03 Elective Officers.

The Council shall be composed of a Mayor and four (4) Councilmembers, who shall be residents of the City of Anoka and are eligible to vote in the City of Anoka, whom shall be elected at large. Two Councilmembers shall be elected at each regular City election; each Councilmember shall serve for a term of four (4) years. A Mayor shall be elected at each regular City election, whom shall serve for a term of two (2) years. Each elected officer shall hold office until a successor has been elected and qualified. The Council shall be judges of the election of the Mayor and Councilmembers.

Section 2.04 Incompatible Offices.

During the term for which he/she was elected, no elected officer of the City shall be appointed City Manager, nor be compensated for any municipal office or employment other than that for which he/she was elected. Until one (1) year after the expiration of his/her term, no former elected officer shall be appointed to any paid appointive office or employment with the City which was created, or the compensation of which was increased during his/her term as an elected officer.

Section 2.05 Vacancies in Elected Offices.

A vacancy in an elected office shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the Council in the month of January following his/her election, or by reason of his/her death, resignation, removal from office, removal from the City, continuous absence from the City for more than three months, or conviction of a felony before or after his/her qualification, or by reason of his/her failure to perform any of his/her duties for a period of three months. In each such case, the Council shall, by resolution, declare a vacancy to exist and shall forthwith appoint an eligible person to fill the vacated seat.

At the next regular City election, the vacated seat shall be placed upon the ballot for the purpose of filling the vacated office for the remainder of its original term. The appointed person shall serve until the person elected qualifies for such office. If the vacated office would have normally been filled at the next regular City election, the appointed person shall serve until the newly elected

individual's term commences in January following the election and they have qualified for such office.

If the Council is unable to agree on an appointment to fill the vacancy within thirty (30) days from the occurrence of the fact giving rise to the vacancy, the Mayor shall appoint a person to fill the vacancy.

Section 2.06 The Mayor.

The Mayor shall be the presiding officer of the Council. The Council shall choose from its members an Acting Mayor who shall hold office at the pleasure of the Council and shall serve as Mayor in the absence of the Mayor or in the event of the Mayor's disability. The Mayor shall have a vote on all matters before the Council. The Mayor shall exercise all powers and perform all duties conferred and imposed upon him/her by this Charter, the ordinances of the City, and laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law.

The Mayor shall study the operations of City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency declared by resolution of the Council, the Mayor shall take command of the police, maintain order and enforce the law.

Section 2.07 Salaries.

The Mayor and members of the Council shall receive such compensation for their services as may be prescribed by ordinance adopted by the vote of four-fifths of all members of the Council. Other officers and employees of the City shall receive such compensation as may be fixed by the Council.

Section 2.08 Investigation of City Affairs.

The Council and the City Manager, or either of them, and any officer or officers formally authorized by the Council, shall have power to make investigations into the affairs of the City, to subpoena witnesses, administer oaths and compel production of books and papers. The Council shall provide for an audit of the City's accounts at least once in each calendar year by the department of State government in charge of such work or by a Certified Public Accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City, and may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09 Interference with Administration.

The Council may, by ordinance, establish a merit system in all or part of the City Administration, but neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, except as provided in Chapter 7 of this Charter. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative service solely through the City Manager or his/her designee, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER 3. COUNCIL PROCEDURES

Section 3.01 Council Meetings.

At the first regularly scheduled meeting in January, of odd numbered years, the Council shall meet at the time and place appointed for its meetings, at which the newly elected officers of the City shall assume their duties. At the first regularly scheduled meeting of each year, the Council shall prescribe the place and times for holding its meetings. Special meetings of the City Council may be called as prescribed by State Law. Except as authorized by State Law, all meetings of the Council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 3.02 Secretary to the Council.

The City Manager shall appoint a person to act as Secretary to the Council. The Secretary shall keep a journal of the proceedings of the Council and such other records, and shall perform such other duties as may be required by this Charter or as the City Manager may direct. In the absence of its Secretary, the City Manager may designate any other individual or employee of the City (except a member of the Council), to act as Secretary to the Council.

Section 3.03 Rules of Procedure and Quorum.

The Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time-to-time. The Council may, by ordinance, provide a means by which a majority may compel the attendance of the absent members.

Section 3.04 Ordinances, Resolutions and Motions.

Except as otherwise provided in this Charter, all legislation shall be by ordinance. The “aye” and “nay” vote on ordinances, resolutions and motions shall be recorded. An affirmative vote of a majority of the Councilmembers present at the time the vote is taken shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter. Any member of the Council, who, being present when his/her name is called, fails to vote upon any of the pending ordinances or resolutions, shall be counted as having voted in the affirmative.

Section 3.05 Procedure on Ordinances.

The enacting clause for all ordinances shall be: “The Council of the City of Anoka Ordains:”. No ordinance, except an emergency ordinance, shall be passed at a meeting at which it is introduced, and at least seven (7) days shall elapse between its introduction and its final passage. An ordinance may be amended after its introduction and before its final passage. Every proposed ordinance shall be presented in writing.

Section 3.06 Emergency Ordinances.

An emergency ordinance is one 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 thereto adopted by a unanimous vote of the Councilmembers present. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. Procedure on Resolutions.

Every resolution, when requested by any member of the Council, shall be read in full before a vote is taken thereon.

Section 3.08 Signing and Publication of Ordinances and Resolutions.

Every ordinance or resolution passed by the Council shall be signed by the Mayor, or Acting Mayor, attested by the City Clerk, and filed and preserved. The full text of all ordinances shall be published once in the official newspaper of the City following final passage, except as hereinafter provided. When the City Council determines that publication of the title and summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, publication of the title of the enactment and summary of its contents shall be deemed to fulfill all legal publication requirements when the Council, by a majority vote, approves the text of the summary and directs publication only of the title and the summary along with the notice that the complete ordinance is available for inspection in the City Clerk's office. All additional publications required of the City or by Minnesota Statutes shall be made, but in the case of a resolution required to be published, publication of the title and a summary of its contents, under the same conditions and in the same manner as provided for ordinances, shall be deemed to fulfill the publication requirement whenever such procedure is not precluded by law.

3.09 When Ordinances and Resolutions Take Effect.

A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed therein. Ordinances shall take effect seven (7) days after publication or at such later date fixed therein, except for Charter amendment ordinances, which shall take effect as prescribed by law, and except for ordinances adopted by the voters of the City, which shall take effect immediately upon their adoption or at such later time as fixed therein. Notwithstanding the foregoing provisions, if, prior to the effective date of a City Council adopted ordinance, a notice of intent to circulate a referendum petition on such ordinance is signed by four (4) registered voters of the City, as the sponsors, and filed with the City Clerk, the effective date of the ordinance shall be thirty (30) days after publication.

3.10 Amendment and Repeal of Ordinances.

Every ordinance repealing a previous ordinance or any section or subdivision thereof, shall give the number, if any, and the title of the ordinance to be repealed in whole or in part. No ordinance, section or subdivision thereof, shall be amended by reference to the title alone.

3.11 Incorporation of Statutes, Rules, Regulations and Codes by Reference.

The Council may incorporate in an ordinance, by reference, any statute of the State of Minnesota, any administrative rule or regulation of any department of the State of Minnesota affecting the City, or any compilation of regulations or standards, or part thereof, prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, flammable liquids, sanitary provisions, public health, safety or welfare.

3.12 Codification and Publication of Ordinances or Other Material.

The Council may revise, codify and print in book, pamphlet or newspaper form, or publish on the City website, any general and special laws, ordinances, resolutions, or rules pertaining to any one or more subjects; copies of which shall be made available in the office of the City Clerk for general distribution to the public free of charge or at a reasonable charge.

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01 Regular Municipal Elections.

A regular municipal election shall be held on the first Tuesday after the first Monday of November in every even-numbered year, beginning in 1988, at such place or places as the Council may designate. Notice of the time and place of holding such election and of the officers to be elected shall be given by publication at least once in the official newspaper at least fourteen (14) days before the date of election and by posting a copy of such notice at a conspicuous place in the City Hall. Failure to give notice of election shall not invalidate such election.

Section 4.02 Polling Hours.

At all municipal elections, the polls shall open not later than 7:00 o'clock a.m. and shall remain open until at least 8:00 o'clock p.m. on the same day.

Section 4.03 Primary Elections.

If more than two persons are nominated or have filed as a candidate for the office of Mayor, or if persons more than twice the number of Councilmembers to be elected for terms expiring on the same date are nominated, or have filed as a candidate, there shall be a primary election for selection of two candidates for the office of Mayor or the selection of Councilmember candidates equal to twice the number of Councilmembers to be elected for terms expiring on the same date. The primary election, when necessary, shall be held on the day designated for the State primary election. Notice of the time and place of holding such primary election and of the officers to be elected, shall be given in accordance to Minnesota Election Law. Failure to give the notice of election shall not invalidate such election.

Section 4.04 Special Elections.

The Council may, by resolution, order a special election and provide all means for holding it. Notice of the time, place, and purpose of such special election shall be given by publication of a notice at least once each week for two weeks prior to the date of the election and by posting the notice at a conspicuous place in the City Hall. The procedure at such special election shall conform as nearly as possible to that prescribed for regular municipal elections.

Section 4.05 Nominations by Petition or by an Affidavit of Candidacy.

Candidates for elective office provided for by this Charter may be nominated by petition signed by at least seventy-five (75) properly registered voters in the City of Anoka or by an Affidavit of Candidacy. Nomination petitions or affidavits must be filed in the office of the City Clerk not more than ten (10) weeks, no less than eight (8) weeks before the primary election date, or as prescribed in Minnesota Election Law. No person shall sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should he/she do so, his/her signature on the petition or petitions last filed shall be void. Each Petition or Affidavit of Candidacy shall be accompanied by a filing fee of \$20.00.

Section 4.06 Nomination Petitions.

Petitions for the nomination of candidates for elective office shall be in writing, signed by the petitioning voters, who are residents of the City of Anoka, listing the street address of their respective residences. Each petition may consist of one or more papers, and the signatures need not all be on the same paper. A nomination petition shall be in substantially the following form:

NOMINATING PETITION

We, the undersigned registered voters of the City of Anoka, hereby nominate _____ whose residence is _____ in the City of Anoka, for office of _____ to be voted for at the regular municipal election to be held _____, 20____ and we individually certify that we are qualified registered voters of the City of Anoka and that we have not signed more nomination petitions of candidates for this office.

Name

Street Address

_____, being duly sworn, deposes and says that he/she circulated the foregoing petition containing _____ signatures, and that the signatures appended thereto were made in his/her presence and are the signatures of the persons whose names they purport to be and that such persons signed the petition of their own free will.

Signature

Subscribed and sworn to before me

This ____ day of _____, 20____.

Notary Public

This petition, if found insufficient, shall be returned to _____

at _____.

There must also be filed in the office of the City Clerk at least eight (8) weeks before the primary election date, a written statement signed by the person nominated in a nomination petition, indicating his/her willingness to accept the office for which he/she is nominated. Said statement should be in substantially the following form:

WILLINGNESS TO ACCEPT OFFICE IF ELECTED

I hereby indicate my willingness to accept the office of _____ if elected.

Signature of Candidate

4.07 Withdrawal of Candidate.

Any person who has been nominated for election to an office or filed an Affidavit of Candidacy under this Charter may cause their name to be withdrawn from the ballot by filing an Affidavit of Withdrawal, in accordance with Minnesota Election Law. Said Affidavit of Withdrawal may be obtained from the office of the City Clerk.

4.08 Canvass of Election.

The Council shall meet and canvass election returns in accordance with Minnesota Election Law. The Canvass of Election Returns shall make full declaration of the results of the Election, which shall include: (a) the total number of accepted ballots cast; (b) the total number of spoiled or defective ballots; (c) the total number of votes cast for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the election judges; (f) the number of votes cast for and against any proposition submitted to the voters and the result of the election with respect to such proposition; and (g) such other information as may seem pertinent. The City Manager, or designee, shall forthwith notify all persons elected. In case of a tie vote, the Council shall determine the result by lot. The City Clerk shall be the final custodian of the ballots.

4.09 Procedure at Elections.

Except as otherwise provided herein, the provisions of State law governing elections shall be applicable to all municipal elections. The Council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this Charter and laws of the State applicable thereto.

CHAPTER 5. RECALL OF ELECTIVE OFFICERS

Section 5.01 Voters May Remove.

The holder of any elective office in the City of Anoka may be removed by a majority of the voters at an election thereof taken, had and given in the manner and in compliance with the conditions hereinafter named.

Section 5.02 Petition.

Registered voters of the City of Anoka, equal in number to ten percent (10%) of the total number of registered voters in the City of Anoka, at the time of the last preceding regular municipal election, may file with the City Clerk their petition asking for the removal of any elected official, and for the election of a successor to such office. Such petition shall be in writing, and signed by said registered voters, listing the street address of their respective residence. It may consist of one or more papers, and such signatures need not all be on the same paper. The petition shall contain a general statement, of not more than two-hundred (200) words, describing the grounds upon which removal is sought, which shall be alike in all such papers. Said petition shall be accompanied by the affidavit of one of the signers of each of the papers constituting the same to the effect that the statements made in the paper on which his/her name appears are true to the best of his/her knowledge and belief, and that each and every signature thereof is the genuine signature of the person it purports to be, and was placed thereon by such person; provided, however, that no such petition shall be made and filed against any officer until he/she has actually held the office for at least three (3) months.

Section 5.03 Proceedings on Conditions.

Within ten (10) business days from the date of filing of such petition, the City Clerk shall ascertain whether or not said petition is signed by the requisite number of registered voters as required in Section 5.02. The City Clerk shall attach to said petition a certificate showing the result of said examination. If, by the City Clerk's certification, the petition is shown to be insufficient, it may be amended by the petitioner within ten (10) business days from the date of the City Clerk's determination. The City Clerk shall, within ten (10) business days after receiving the amended petition, make a like examination of the amended petition, and if the City Clerk's certificate shows the same to be insufficient, it shall be returned to the person filing the same and shall not be brought before the Council. The determination of insufficiency of a petition does not preclude the filing of a new petition to the same effect.

If the petition is deemed sufficient, the City Clerk shall, within ten (10) business days, notify the elected official being sought to be removed, of the City's receipt of a sufficient petition calling for their removal from office. Said notice shall inform the elected official of the allegations brought against them. Said elected official shall be given the opportunity to respond to the petition, by submitting a written statement, of not more than two-hundred (200) words, to justify his/her course in office. Said response must be submitted within ten (10) business days from the date that the City Clerk gave notice to the elected official of the City's receipt of the sufficient petition.

Section 5.04 Submission of Petition and Response to City Council.

At the next regularly scheduled meeting of the Council, immediately following the deadline date of submission of a response from the elected official sought to be removed, the City Clerk shall submit the petition and response, if one is submitted, to the Council for determination by the Council that the petition sufficiently alleges malfeasance or nonfeasance in office by the elected official sought to be removed. If said determination is made by the Council, the Council shall order and fix a date for holding an election, not less than thirty (30) days, nor more than forty-five (45) days from the date the Council makes the determination on the sufficiency of the petition and allegations brought against the elected official sought to be removed.

Section 5.05 Election Under Recall, Notice of Election, Names on Ballots.

The City Clerk shall cause the call for such election to be published at least once each week for two (2) weeks prior to the date of the election, including in such call, the time and place of holding such election, and of the hours during which the polls will be open; and the same shall be conducted, nominations therefor shall be made, the judges and clerks therefor shall be appointed, returns made and canvassed, and the results thereof declared, in all respects as in a general municipal election. Nomination petitions, and indications of the willingness of persons nominated to accept the office if elected, must be filed in the office of the City Clerk at least fifteen (15) days before the date of the election. There shall be no primary election preceding a recall election. The successor of any officer so removed shall hold office during the unexpired term of his/her predecessor.

Any person sought to be removed may be a candidate to succeed himself/herself, and unless he/she requests otherwise in writing, the City Clerk shall place his/her name on the official ballot without nomination. At such election, if some other person than the incumbent shall receive the highest number of votes, the incumbent shall thereupon be removed from the office upon the qualification of his/her successor. In case the person who receives the highest number of votes fails to qualify within ten (10) days after receiving notification of his/her election, the office shall be declared vacant. If the incumbent receives the highest number of votes, he/she shall remain in office. The said method of removal shall be accumulative and additional to the method herein and in this Charter otherwise provided.

Section 5.06 Incapacity of Recalled Officers.

No person who shall have been recalled from office, or who has resigned from such office while recall proceedings were pending against him/her, shall be eligible to any office under said City for one (1) year after said recall or resignation.

CHAPTER 6. INITIATIVE AND REFERNDUM

Section 6.01 Powers Reserved by the People.

The people of Anoka reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes or the issuance of bonds, or if prohibited by State Law, and to request any ordinance when passed by the Council to be referred to the registered voters for approval or disapproval. These powers shall be called the Initiative and Referendum.

Section 6.02 Expenditures by Petitioners.

No member of any initiative or referendum 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. Any violation of the provisions of this section is a misdemeanor.

Section 6.03 Further Regulations.

The Council may provide by ordinance such further regulations for the initiative or referendum, not inconsistent with this Charter, as it deems necessary.

Section 6.04 Initiation of Measure.

Any five (5) registered voters of the City of Anoka may form themselves into a sponsoring committee for the initiation of any ordinance except an ordinance appropriating money or authorizing the levy of taxes or the issuance of bonds, or if prohibited by State Law. Before circulating any petition they shall file a copy of their proposed ordinance with the City Clerk, together with their names and street addresses as members of such committee. They shall also attach a copy of the proposed ordinance to each of the signature papers herein described, together with their names and street addresses as sponsors thereof.

Section 6.05 Form of Petition and of Signature Papers.

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least ten percent (10%) of the total number of registered voters of the City of Anoka at the time of the last preceding regular municipal election. 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. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to _____

(stating the purpose of the ordinance) a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

<u>Name</u>	<u>Street and Number</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned registered voters, understanding the terms and nature of the ordinance attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the voters for their approval.

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

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above.)

This petition, if found insufficient, shall be returned to _____
at _____.

Section 6.06 Filing of Petition and Action Thereon.

All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of that petition, the City Clerk shall ascertain by examination, the number of registered voters whose signatures are appended thereto and whether this number is equal to at least ten percent (10%) of the total number of registered voters of the City of Anoka at the time of the last preceding regular municipal election. If the Clerk finds the petition insufficient or irregular, he/she shall at once notify one or more members of the sponsoring committee of that fact, certifying the reasons for the findings. The committee shall then be given thirty (30) 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 petition is found to still be insufficient or irregular, the Clerk shall file it in his/her office and shall notify each member of the committee of that fact. Insufficient or irregular petitions shall not be brought before the Council. The final finding of the insufficiency or irregularity of a petition shall not preclude the filing of a new petition for the same purpose.

Section 6.07 Action of Council on Petition.

When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and may refer it to an appropriate committee. The Council, or committee if directed by the Council, shall thereupon provide a public hearing upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the sponsors, the proposed ordinance shall be submitted by the Council to a vote at the next

regular municipal election, but if the number of signers of the petition is equal to at least ten percent (10%) of the total number of

registered voters at the time of the last preceding regular municipal election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) days nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action, but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the sponsoring committee do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the voters.

Section 6.08 Initiative Ballot.

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either “yes” or “no” on the question of adoption. If a majority of the votes on any such ordinance are in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one (1) election, the one (1) approved by the higher percentage of voters voting on the question shall prevail to the extent of the inconsistency. The text of all ballot questions must adhere to Minnesota Election Law.

Section 6.09 Amendment or Repeal.

Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or by the unanimous vote of all members of the Council. No such vote of the Council shall be taken until after the next regular municipal election at which the ordinance was approved by the voters.

Section 6.10 Initiation of Charter Amendments.

Nothing in this Charter shall be construed as in any way affecting the right of the registered voters under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

Section 6.11 The Referendum.

If prior to the date when an ordinance takes effect a petition signed by registered voters of the City equal in number to three percent (3%) of the total number of registered voters of the City of Anoka at the last preceding regular municipal election, or three-hundred voters (300), whichever is greater, is filed with the City Clerk requesting that any such ordinance be repealed or submitted to a vote of the registered voters, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and by majority vote either repeal or affirm the ordinance as passed. If the ordinance is affirmed, the Council shall order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the voters voting on the ordinance is opposed to the ordinance, it shall not become effective; but if a majority of the voters favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 6.12 Referendum Petition.

The requirements laid down in Sections 6.04 and 6.05 above as to the formation of the committees, the form of petitions and signature papers, for the initiation of ordinances shall apply to the referendum, but with such changes as may be necessary. A referendum petition shall read substantially as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to _____ (stating the purpose of the ordinance) a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

- | <u>Name</u> | <u>Street and Number</u> |
|-------------|--------------------------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |
| 5. _____ | _____ |

The undersigned qualified registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to a vote of the voters for their approval or disapproval.

- | <u>Name</u> | <u>Street and Number</u> |
|-------------|--------------------------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above).

This petition, if found insufficient, shall be returned to _____ at _____.

Section 6.13 Referendum Ballots.

The ballots used in any referendum election shall conform to the rules laid down in Section 6.08 of this Charter for initiative ballots.

CHAPTER 7. ADMINISTRATION OF CITY AFFAIRS

Section 7.01 The City Manager.

The City Manager shall be the Chief Executive Officer and head of the administrative branch of the City government. He/she shall be chosen by the Council solely on the basis of his/her training, experience, and administrative qualifications. The City Manager shall be appointed for an indefinite period and may be removed by the Council at any time; but after he/she has served as City Manager for one (1) year, he/she may demand written charges and a public hearing before the date when his/her final removal takes effect. Written charges, if demanded, shall be furnished within a reasonable time before the public hearing. After such hearing, if one is demanded, the Council shall have unlimited discretion either to reinstate the City Manager or make his/her removal final. Pending such hearing and removal, the Council may suspend the City Manager from office. The Council may designate some properly qualified person to perform the duties of the City Manager during his/her absence, disability, suspension, or while the office of the City Manager is vacant.

Section 7.02 Powers and Duties of the City Manager.

- Subdivision 1. Subject to the provisions of this Charter, any Council regulations consistent therewith, and any other applicable laws, the City Manager shall control and direct the administration of the City's affairs. He/she shall have the powers and duties set forth in the following subdivisions.
- Subdivision 2. He/she shall see that this Charter and the laws, ordinances, and resolutions of the City are enforced.
- Subdivision 3. He/she shall appoint and remove, upon the basis of merit and fitness and subject to applicable civil service provisions, if any, the City Clerk, all heads of departments other than the City Attorney and any assistant City Attorney and all subordinate officers and employees in the departments. Appointment or removal of department heads shall be made final only upon a majority vote of the Council.
- Subdivision 4. He/she shall exercise control over all departments and divisions of the City administration created by this Charter or by Council.
- Subdivision 5. He/she shall recommend to the Council for adoption such measures as he/she may deem necessary for the welfare of the people and the efficient administration of the City's affairs.
- Subdivision 6. He/she shall attend all meetings of the Council with the right to take part in any discussion, but not to vote; but he/she may not attend any meeting at which the Council is considering his/her dismissal.
- Subdivision 7. He/she shall keep the Council fully advised as to the financial condition and needs of the City, and he/she shall prepare and submit to the Council the annual budget.
- Subdivision 8. He/she shall prepare and submit to the Council for adoption, an administrative code incorporating the details of administrative procedure, and from time to time he/she shall suggest amendments to such code.
- Subdivision 9. He/she shall perform such other duties as may be prescribed by this Charter or by law or required of him/her by ordinance or resolution adopted by the Council.

7.03 Departments of Administration.

The Council may create such departments, divisions, and bureaus for the administration of the City's affairs as it may deem necessary, and from time to time alter their powers and organization. It shall, together with the City Manager, prepare and enact a complete administrative code in the form of an ordinance, which may be amended from time to time by ordinance. The Council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 7.04 City Attorney.

The Council shall appoint, by the vote of a majority of all its members, a City Attorney, who shall be the legal adviser for all officers of the City and shall render such legal services as may be requested by the Council. With approval of the Council he/she may appoint such assistant attorneys as may be necessary.

Section 7.05 Attendance of Employees at Council Meetings.

An employee of the City shall attend any meeting of the Council at which his/her presence is requested by the City Manager or his/her designee, or by the Council through the City Manager.

Section 7.06 Contracts.

Contracts for the purchase of merchandise, materials or equipment, or for any kind of construction work shall be governed by the provisions of Minn. Stat. § Section 471.345. No contract of more than the sum provided for the Minn. Stat. § Section 471.345, for the purchase of merchandise, materials or equipment, or for any kind of construction work, shall be let by the Council unless an advertisement for bids for such merchandise, materials or equipment, or construction work, has been published at least once in the official newspaper of the City at least seven (7) days before the date on which bids for such contract are to be received; provided, that in the event of an emergency determined to exist by resolution adopted by the favorable vote of four-fifths of all members of the Council, the Council may make or let any contract without first advertising for bids. Subject to the provisions of the charter, the Council may by ordinance adopt further regulations for making of bids and letting of contracts.

CHAPTER 8. TAXATION AND FINANCES

Section 8.01 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 the safekeeping and disbursement of public moneys.

Section 8.02 Fiscal Year.

The fiscal year of the City shall commence on the first day of January of each year.

Section 8.03. System of Taxation.

Subject to the State Constitution, and except as forbidden by it or by State legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property, the City shall be governed by the provisions of State law applicable to statutory cities.

Section 8.04 Board of Equalization.

The Council shall constitute the Board of Appeals and Equalization and in its capacity as such the Board shall review, amend and equalize the work of the City Assessor pursuant to the general statutes of the State. Provided that the Council may by ordinance provide for a Board of Appeals and Equalization consisting of one or more members of the Council and two or more residents of the City who shall perform all duties imposed upon a Board of Appeals and Equalization by State law and for their services shall receive such compensation as the Council may determine.

Section 8.05 Preparation and Submission of Annual Budget.

The City Manager shall, by the first regular meeting in August, submit to the Council a budget and an explanatory budget message in a form and manner as prescribed in Section 8.06. For such purpose and at such date as he/she shall determine, the City Manager shall obtain from the head of each department, the character, object and details of proposed expenditures together with such other supporting data as he/she may request, including an estimate of all capital projects or capital expenditures which each department head considers should be undertaken in his/her department for the budget year and the next five years. In preparing the budget, the City Manager shall review the estimates, shall hold Council hearings thereon and may revise estimates as he/she may deem advisable.

Section 8.06. Form of Annual Budget.

The budget shall provide a complete financial plan of all funds for the budget year, which shall include: (a) A budget message, and (b) All proposed expenditures. The proposed expenditures shall not exceed the proposed revenues. The expenditures for general and special revenue funds shall be by organization unit or activity and shall be in parallel columns opposite the character and major or minor object of expenditure showing the amount of such expenditure for the last completed fiscal year, the amount estimated for the current budget year and the proposed expenditures for the ensuing budget year. In funds other than general and special revenue, the proposed expenditures shall be presented in an understandable manner according to the discretion of the City Manager. The City Manager shall submit a detailed statement of revenues in columns for the general and special revenue funds for the last completed fiscal year, the amount estimated for the current budget year and the amount estimated for the next budget year. Such detail shall include the source of miscellaneous revenues, the amount of surplus of prior year revenues and the amount raised by property taxes. Revenues for self-supporting and other funds shall be presented in an understandable manner according to the discretion of the City Manager.

The explanatory budget message may be separate but still accompanying the budget, and be in the form and with contents as follows:

Budget Message – Current Operations: The budget message submitted by the City Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for major changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

Budget Message – Capital Improvement: As a part of the budget message with relation to the proposed expenditures for capital projects stated in the budget, the City Manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefore by appropriations in the budget and the respective amounts, if any, proposed to be raised therefore by the issuance of bonds during the budget year.

Budget Message – Capital Program: The City Manager shall also include in the message, or attach thereto, a capital program of proposed capital projects for the five (5) fiscal years next succeeding the budget year, together with his/her comments thereon and any estimates of costs prepared by the department of Public Works or other office or department. For the use of the Planning Commission, copies of the departmental estimates of capital projects filed with the City Manager pursuant to Section 8.05 of this Chapter, shall be filed with the Council.

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements as the City Manager shall believe useful to the Council.

Section 8.07. Passage of Annual Budget.

The Council shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the time and place of the public hearing to be held not less than seven (7) days nor more than fourteen (14) days after publication. The budget shall be a public record in the office of the City Clerk open to public inspection by anyone. The City Manager shall cause sufficient copies to be prepared for distribution to interested persons and civic groups. The budget meeting as advertised shall be held and adjourned from time to time and conducted so as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The Council shall adopt the budget no later than the last date established by law for the County Auditor to levy taxes. The budget resolution shall set forth the total for each budgeted fund. Such resolution shall also state the amount of taxes to be levied. The budget document includes each department level budget with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control.

Section 8.08 Enforcement of the Budget.

The City Manager shall strictly enforce the provisions of the budget as specified in the budget resolution. He/she shall not authorize or approve any expenditure unless an appropriation has been made in the budget resolution and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. No officer or employee of the City shall place any orders or make any purchases except for the purposes authorized in the budget. Any obligation incurred by any person in the employ of the City for any purposes not in the approved budget or for any amount in excess of the amount appropriated in the budget resolution or in excess of available moneys in any fund of the City may be considered a personal obligation upon the person incurring the expenditure.

Section 8.09 Altering or Adjusting the Budget.

After the budget has been duly adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution approved by a four-fifths majority of its members, reduce the sums appropriated for any purpose of the budget resolution.

At the request of the City Manager, within the last three (3) months of the fiscal year, the Council may transfer unencumbered appropriation balances from one office, department or agency to another. All appropriations shall lapse at the end of the budget year to the extent that they shall have not been expended or lawfully encumbered.

Section 8.10 Emergency Appropriation in Budget.

The Council may include an emergency appropriation as a part of the budget but not to exceed three percent (3%) of the total operating appropriations made in the budget for that year. A transfer from the emergency appropriation to any other appropriation shall be made only upon the affirmative vote of four-fifths of all members of the Council. The funds thus appropriated shall be used only for the purposes designated by the Council.

Section 8.11 Disbursements.

No disbursement of City funds shall be made except by check bearing the signature of the City Manager and the Finance Director. No such check shall be issued unless the claim to which it relates specifies the purpose for which the disbursement is made and the fund upon which it is drawn, and has been supported by an itemized bill, payroll, or time sheet approved and signed by the responsible City officer who vouches for the correctness and reasonableness thereof. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

Section 8.12 Funds.

There shall be maintained by the City Finance Director a classification of funds which shall provide for a general fund for payment of such general governmental expenses and obligations as the Council may deem proper, a utility fund for payment of expenses relating to any or all municipal utilities, a sinking or debt redemption fund for payment of principal of and interest on obligations of the City, and such other funds as may have been established for payment of outstanding obligations of the City not yet fully paid. In addition, there shall be maintained such other funds as may be required by statute or ordinance. The Council may, by resolution, make interfund loans where permitted by law except from funds held by the City as trustee or custodian or in the capacity of an agent.

Section 8.13 Accounts and Reports.

The accounts of the City shall be maintained in accordance with generally accepted governmental accounting standards and procedures. The City Manager shall submit such reports as will be necessary in order to keep the Council fully informed of the financial condition of the City. Once each year on or before the 30th day of June, the City Manager shall submit a complete financial report of the City, for the preceding fiscal year. A summary of the report shall be published in the official newspaper with a statement that copies of the complete report may be obtained at City Hall.

Section 8.14 City Indebtedness.

The City may borrow money and issue and sell bonds for any and all purposes authorized and subject only to the limitations provided by the general laws of the State of Minnesota applicable to

cities of the same class as the City of Anoka. The issuance of bonds shall be authorized by an ordinance setting forth the purpose or purposes of the issue and the maximum amount thereof, adopted by the approving vote of four-fifths of all members of the Council; except that the Council may, by resolution adopted by a similar vote, authorize the issuance of bonds to finance improvements which are to be paid for in whole or in part by special assessments, sewage disposal facilities and, without limitation, any other utility owned or to be owned and operated by the City, from which a revenue is or may be derived.

The form, maturities, interest rate or rates, redemption privileges and other terms of each issue of bonds, and the covenants to be made by the City for the security thereof, shall be established by the Council by resolution.

The full faith and credit of the City shall be pledged for the payment of all of its bonds save and except that when net revenues to be derived from the operation of any public utility or other revenue producing enterprise of the City are pledged for the payment of bonds issued for the acquisition or betterment of such utility or enterprise. Such bonds may in the discretion of the Council be issued as general obligations of the City or may be made payable solely from said net revenues, without limitation of the generality of the foregoing, the Council is specifically authorized to issue general obligation bonds of the City for the purpose of financing improvements in respect of which special assessments are to be levied under the provisions of Chapter 9 of this Charter or of any law of the State, in anticipation of levy and collection of such special assessments and payable from said special assessments and from ad valorem taxes which shall be levied for the payment of the City's share of the cost of such improvements and for the provision of the additional amounts required for the security of such bonds. Such bonds may be issued at any time after estimates of the cost of the improvements to be financed thereby have been submitted by the City Engineer and approved by the Council, in amount sufficient to pay any part or all of the cost as determined by said estimates. In the event that the cost exceeds the estimate, the Council shall have authority to issue additional bonds in amount sufficient to pay such excess cost. In the event that the estimate exceeds the cost, the Council shall have authority to appropriate the amount of such excess out of the proceeds of the bonds to the payment of the cost of any additional improvements for which estimates have been approved, or may appropriate such amount to the sinking fund account for the payment of such bonds. The City shall have authority to protect itself by acquiring title to any property subject to special assessments for local improvements and shall have authority, by ordinance or resolution, to sell, assign, and convey the same.

Section 8.15 Tax Anticipation Certificates.

At any time after January 1 following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 90 percent (90%) of the total current taxes for the fund 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 and payable not later than the 1st day of April of the year following their issuance. The proceeds of the tax levied 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 in the order of their issuance against the fund.

Section 8.16 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 should subject the City to the necessity of making extraordinary expenditures, the Council may by resolution issue and sell on such terms and, in such manner as the Council determines, emergency debt certificates to run not to exceed two years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law.

The resolution authorizing an issuance of such emergency debt certificates shall state the nature of the emergency and be approved by a majority of all members of the Council, and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance.

CHAPTER 9. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 9.01 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 part of the cost of such improvements. The total assessments for any local improvement may not exceed the cost of the improvement including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property. The matters of public improvements and special assessments shall be covered by the provisions of Chapter 429 of Minnesota Statutes Annotated.

Section 9.02 Assessments for Services.

The Council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, utility services provided to private property, or the cost of any service to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

Section 9.03 Purchase of Land for Delinquent Assessments.

In order to protect the lien of the City on special assessments, the Council shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale, or take as assignment of any lien on same against which the City has a lien for special assessments, and may sell and assign any such lien held by such City, and otherwise take such action as will protect the interest of the City.

Section 9.04 Public Works; How Performed.

Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by City staff or by contract. The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

CHAPTER 10. EMINENT DOMAIN

Section 10.01 Power to Acquire Property.

The City may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 10.02 Proceedings in Acquiring Property.

The necessity for the acquisition of any real property by the City shall be determined by the Council and shall be declared by a resolution, which shall describe such property as nearly as may be and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the laws of this State, or to the extent permitted by law, or as otherwise provided in this Charter.

Section 10.03 Payment of Award.

Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the City has expired, the City shall, within seventy (70) days of such final determination, pay the amount of the court, as the case may be; and if not so paid, judgment therefor may be had against the City.

Section 10.04. City May Abandon Proceedings.

The City may dismiss all or part of the property being acquired in a condemnation proceeding so long as the dismissal is filed with the proper court prior to the expiration of the time for an appeal or before entry of judgment if an appeal has been taken. The City shall pay all reasonable costs and expenses incurred by the condemnee including attorney's fees.

Section 10.05 City May Take Entire Plant.

If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, franchise values, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the Councilmembers or other body assessing the damages or condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

CHAPTER 11. FRANCHISES

Section 11.01 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 Clerk to guarantee publication before the ordinance is passed.

Section 11.02 Term.

No perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted for a period of more than twenty-five years.

Section 11.03 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.

Section 11.04 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.

Section 11.05 Renewals or Extensions.

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

CHAPTER 12. PUBLIC OWNERSHIP AND OPERATIONS OF UTILITIES

Section 12.01 Acquisition and Operation of Utilities.

The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but such action may only be taken by ordinance, which shall not be an emergency ordinance. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Section 12.02 Rates and Finances.

Upon recommendations made by the City Manager or upon its own motion, the Council may fix rates, fares and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. The Council shall endeavor to make each municipal utility financially self-sustaining. Before any rates, fares or prices for municipal utilities shall be fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 12.06. The Council shall prescribe the time and the manner in which payments for all such utility services shall be made and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Section 12.03 Purchase in Bulk.

The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix. Before such rates are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 12.06.

Section 12.04 Lease of Plant.

The Council may, if the public interest will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by ordinance, which shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Section 12.05 Public Utility; How Sold.

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 said sale or other disposition thereof, together with the price to be paid therefore, shall be embodied in an ordinance approved by a majority of the registered voters voting thereon at the last preceding municipal general or special election.

Section 12.06 Notice of Public Hearings.

Notice of public hearings required by this Chapter shall be published at least once in the official newspaper at least ten (10) days prior to the date of the hearing. Additional notice of such public hearings may be given in such manner as the Council may determine.

CHAPTER 13. MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.01 Official Publications.

The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published.

Section 13.02 Oath of Office.

The City Manager and every elected official of the City shall, before entering upon the duties of his/her office, take and subscribe an oath of office in substantially the following form: "I do solemnly affirm that I will support the Constitution of the United States of America, the Constitution of the State of Minnesota, and the Charter of the City of Anoka and that I will faithfully and impartially discharge the duties of the Office of (Mayor, Councilmember, City Manager, etc.) of the City of Anoka, to which I have been appointed/elected, to the best of my knowledge and ability."

Section 13.03. Financial Interest in Contracts.

Except as otherwise permitted by law, no officer or employee of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in any contract or personally benefit financially therefrom. No consultant, or firm, or officers of a firm, employed by the City to obtain advice regarding a contract or project with the City, shall voluntarily have a financial interest in such contract or project. An affidavit showing such financial interest or absence of financial interest must be filed with the City.

Section 13.04 Official Bonds.

Before entering upon the duties of his/her respective office or employment, the City Finance Director shall, upon the request and at the discretion of the Council, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of his/her official duties and the safekeeping of the public funds. The premiums on the bonds shall be paid by the City.

Section 13.05 Sales of Real Property.

No real property of the City shall be sold, leased or otherwise disposed of except by ordinance adopted by affirmative vote of four-fifths of the Council. The proceeds of any sale, lease or other disposal of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds.

Section 13.06 Vacation of Streets.

The Council may by resolution vacate any street, alley, easement, public grounds, public way, or other right in property, granted to or owned by the City, or any part thereof, on its own motion or at the request of one or more of the owners of land abutting the property to be vacated. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing. The Council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten (10) days before the hearing. The notice must contain a copy of the proposed resolution as well as the time, place, and date of the hearing. The vacation resolution may reserve any interest or right in the vacated property not greater than the City's interest prior to

the vacation. A certified copy of the vacation resolution shall be filed with the County recorder. Failure to file the resolution shall not invalidate the vacation proceedings.

Section 13.07 Statutes Not Affected by Charter.

All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Anoka operating under home rule Charter, and not inconsistent with the provisions of this Charter, shall apply to the City of Anoka, and shall be construed as supplementary to the provisions of this Charter.

Section 13.08 Existing Ordinances and Resolutions Continued.

All ordinances, resolutions and regulations of the municipality in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 13.09 Pending Condemnations and Assessments.

Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceeding was begun.

Section 13.10 Disposition of Fines and Penalties.

All fines, forfeitures and penalties received for the violation of any ordinance shall be paid into the City treasury.

Section 13.11 Ordinances to Make Charter Effective.

The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 13.12 Police to Belong to Public Employees Police and Fire Fund.

Notwithstanding the provision of any general or special law or this Charter, all police first employed by the City on and after July 8, 1972, shall be members of the Public Employees Police and Fire Fund, and shall not be eligible for membership in the Anoka Police Relief Association.

Amended Charter Adopted December 21, 2015.

Amended Charter Effective: March 24, 2016

BY ORDER OF THE CITY COUNCIL

Phil Rice, Mayor

Greg Lee, City Manager