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CHAPTER 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

§ 1.01 NAME AND BOUNDARIES.

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

§ 1.02 POWERS OF THE CITY.

The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this charter that every power which the people of the City of Benson might lawfully confer upon themselves as a municipal corporation by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the city and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

§ 1.03 CHARTER A PUBLIC ACT.

This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

CHAPTER 2. FORMS OF GOVERNMENT

§ 2.01 FORM OF GOVERNMENT.

The form of government established by this charter is the “Council-Manager Plan”. The council shall exercise the legislative power of the city and determine all matters of policy. The City Manager shall be the head of the administrative branch of the city government and shall be responsible to the council for the proper administration of all affairs relating to the city.

§ 2.02 BOARDS AND COMMISSIONS.

There shall be no separate administrative board of health, library board, park board, or any other administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions. The council may, however, 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.

§ 2.03 ELECTIVE OFFICERS.

The council shall be composed of a mayor and 4 (four) Councilmen who shall be qualified electors, and who shall be elected at large. Each councilman shall serve for a term of four years

and/or until his successor is elected and qualifies, except that at the first election held after the adoption of this charter, the two candidates having the highest number of votes shall serve four years and the other two successful candidates shall serve for two years. The Mayor shall serve for a term of two years and until his successor is elected and qualifies. The Council shall appoint qualified persons to serve as judges of the election of Mayor and Councilmen.

§ 2.04 INCOMPATIBLE OFFICES.

No member of the council shall be appointed city manager, nor shall any member hold any paid municipal office or employment under the city, and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created or the emoluments of which were increased during his term as councilman.

§ 2.05 VACANCIES IN THE COUNCIL.

A vacancy in the council 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 new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and may forthwith appoint an eligible person to fill the same until the next regular municipal election or may hold a special election to fill the unexpired term.

§ 2.06 THE MAYOR.

The Mayor shall be the presiding officer of the council, except that the council shall choose from its members, a president pro-tem who shall hold office at the pleasure of the council and shall serve as president in the mayor's absence and as mayor in case of the mayor's resignation, disability or absence from the city. The mayor shall have a vote as a member of the council. He shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the laws of the state. He 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. He shall study the operations of the 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 he may, with the consent of the council, take command of the police, maintain order and enforce the law.

§ 2.07 SALARIES.

Salaries for the mayor and members of the council shall be fixed by ordinance passed by the council provided that no change in those salaries shall take effect until after the next succeeding municipal election. The city manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

§ 2.08 INVESTIGATION OF CITY AFFAIRS.

The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant or 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 government and it may cause to be made any survey or research study of any subject of municipal concern.

§ 2.09 INTERFERENCES WITH ADMINISTRATION.

The council may by ordinance establish the 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, or any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the city manager, 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. PROCEDURE OF COUNCIL

§ 3.01 COUNCIL MEETINGS.

On the first business day of January, the Council shall meet at the usual place for the holding of council meetings. At this time the newly elected members of the Council shall assume their duties. Thereafter the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The mayor or any two members of the Council may call special meetings of the Council upon at least twelve hours notice to each member of the Council. All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

§ 3.02 SECRETARY OF COUNCIL.

The city clerk or city manager shall act as secretary of the council. He shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require. The council shall choose such other officers and employees as may be necessary to serve at its meetings. The council may designate any other official or employee of the city to act as secretary of the council.

§ 3.03 RULES OF PROCEDURE AND QUORUM.

The council shall determine its own rules and order of business. A majority of all members elected 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 minority may compel the attendance of absent members.

§ 3.04 ORDINANCES, RESOLUTIONS, AND MOTIONS.

Except as in this charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

§ 3.05 PROCEDURE ON ORDINANCES.

The enacting clause of all ordinances shall be in the words, "The City of Benson does ordain". Every ordinance shall be presented in writing. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.

§ 3.06 EMERGENCY ORDINANCES.

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare. Said ordinance may not levy taxes, grant, renew or extend franchises, or regulate rates. An emergency ordinance shall be introduced in the form and manner prescribed for other ordinances except that it shall plainly be designated as an emergency ordinance and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. It shall require an affirmative vote of 5 members of the council to enact the ordinance and it shall be published in the official newspaper. It shall become effective upon its adoption or passage or at such later time as it may specify, however, every emergency ordinance shall automatically stand repealed as of the 61st day following its adoption, but this shall not prevent the reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adopting a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

§ 3.07 PROCEDURE ON RESOLUTIONS.

Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

§ 3.08 SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, attested by the city manager and filed and preserved by him. 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 of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

§ 3.09 WHEN ORDINANCE 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 in it. Every other ordinance shall take effect 30 days after publication or at such later date as is fixed therein.

§ 3.10 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof 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 or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by enclosing in brackets. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parenthesis.

§ 3.11 REVISION AND CODIFICATION OF ORDINANCES.

The city may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the council, providing such revision, re-arrangement or codification does not materially change the content, meaning, or intent of said ordinance, except for the deletion of obsolete or inapplicable provisions thereof. Such ordinance code shall 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-clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two successive weeks.

CHAPTER 4. NOMINATIONS AND ELECTIONS

§ 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 odd-numbered year commencing in 1965 at such place or places as the city council may designate. The city clerk shall give at least two weeks previous notice of the time and place of holding the election and of the officers to be elected by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election. At the regular election there shall be elected in addition to the members of the council, such justices of the peace or municipal judges as may be provided by law.

§ 4.02 SPECIAL ELECTIONS.

The council may by resolution order a special election and provide all means for holding it. At least two weeks published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

§ 4.03 CANDIDATES FOR OFFICE.

Candidates for any elective office shall file an affidavit of candidacy in accordance with the election laws of the State of Minnesota or as hereinafter provided by ordinance.

§ 4.04 CANVASS OF ELECTION.

The council shall meet and canvass the election returns within five days after any regular or special election and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forth-with notify all persons elected of their election.

§ 4.05 PROCEDURE AT ELECTIONS.

Subject to the provisions of this charter and applicable state laws the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this charter or in ordinances adopted pursuant thereto the general laws of the state of Minnesota pertaining to elections shall apply to municipal elections.

CHAPTER 5. REFERENDUM

§ 5.01 POWER RESERVED BY THE PEOPLE.

The people of Benson reserve to themselves the power, in accordance with the provisions of this charter (except an ordinance appropriating money or authorizing the levy of taxes) to require any ordinance when passed by the council, to be referred to the electors for approval or disapproval. This power shall be called referendum.

§ 5.02 EXPENDITURES BY PETITIONERS.

No member of any referendum, no circulator of a signature paper, no signor of any such paper, or any other person, shall accept or offer any reward pecuniary or otherwise. However, the committee may pay for services rendered or expenses incurred in connection with the advertising and circulation of the petition. Any violation of the provisions of this section is a misdemeanor.

§ 5.03 FURTHER REGULATIONS.

The council may provide by ordinance such further regulations for referendum not inconsistent with this charter, as may be deemed necessary.

§ 5.04 THE REFERENDUM.

If prior to the date when an ordinance takes effect, a petition signed by qualified electors of the city equal in number to 15 per cent of the total vote at the last regular municipal election is filed with the city clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting and either repeal it or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall

immediately 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 electors voting thereon is opposed to the ordinance it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

§ 5.05 REFERENDUM PETITION.

A referendum petition shall read 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 electors:

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

The undersigned petitioners, 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 electors for their approval or disapproval.

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

CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS

§ 6.01 THE CITY MANAGER.

The manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the city at the time of his appointment. The city manager shall be appointed for an indefinite period and may be removed by the council at any time; but after he has served as manager for one year, he may demand written charges and a public hearing on the charges before the council prior to the date when his final removal takes effect. After such hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the manager or make his removal final. Pending such hearing and removal, the council may suspend the manager from office. The council may designate some properly qualified person to perform the duties of the manager during his absence or disability or while the office of manager is vacant.

§ 6.02 POWERS AND DUTIES OF THE CITY MANAGER.

Subject to the provisions of this charter and any council regulations consistent therewith the city manager shall control and direct the administration of the city's affairs. He shall have the powers and duties set forth in the subdivisions:

(A) He shall see that this charter and the laws, ordinances and resolutions of the city are enforced.

(B) He shall appoint and remove, upon the basis of merit and fitness, all subordinate officers and employees in the departments except the department heads who shall be appointed or removed by the city council upon the recommendation of the manager. The manager however, may suspend any employee, department head or otherwise for a period of not more than 60 days pending investigation into the affairs of the department or the employee.

(C) He shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

(D) He shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion exclude him from any meeting at which his removal is considered.

(E) He shall recommend to the council for the adoption such measure as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

(F) He shall keep the council fully, advised as to the financial condition and needs of the city, and he shall prepare and submit to the council the annual budget.

(G) He shall prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time he shall suggest amendments to such code.

(H) He shall perform such other duties as may be prescribed by this charter or by law or required of him by ordinances or resolutions adopted by the council.

§ 6.03 DEPARTMENTS OF ADMINISTRATION.

The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organization. It may, in conjunction with the city manager, prepare a complete administrative code for the city and enact it in the form of an ordinance which may be amended from time to time by ordinance.

§ 6.04 SUBORDINATE OFFICERS.

There may be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as the council prescribes. He may be designated to act as secretary of the council and also as treasurer. 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.

§ 6.05 PURCHASES AND CONTRACTS.

The city manager shall be the chief purchasing agent of the city. All city purchases and contracts shall be made or let by the city manager when the amount of the purchases or contract does not exceed \$5,000.00. All other purchases shall be made and all other contracts let by the city manager only after prior approval of the Council thereof. All contracts, bonds, and instruments of any kind to which the city is a party shall be signed by the mayor and the city manager on behalf of the city and shall be executed in the name of the city.

§ 6.06 CONTRACTS; HOW LET.

In all cases of contracts entered into for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property, the city manager and City Council shall make or let said contract in conformance with the provisions of the Uniform Municipal Contracting Law, Minnesota Statutes Section 471.345, the laws amendatory thereof.

CHAPTER 7. TAXATION AND FINANCES

§ 7.01 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 safe keeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

§ 7.02 FISCAL YEARS.

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

§ 7.03 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. This authority includes the power by 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.

§ 7.04 BOARD OF EQUALIZATION.

The council shall constitute a board of equalization to equalize assessments of property for taxation purposes according to law.

§ 7.05 PREPARATION OF THE ANNUAL BUDGET.

The city manager shall prepare the estimates for the annual budget as prescribed by the city council with the following as minimum requirements. The budget shall be by funds and shall include all the funds of the city, except the funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include any of such funds at the discretion of the council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance, and repairs); (2) payment of principal and interest on bonds and other fixed charges; (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) salaries and wages with a list of all salaried offices and positions, including the salary allowance and the number of persons holding each; (b) other expenses with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and the current fiscal year, actual to date and estimated for the balance of the year. In addition to the estimates of expenditures, the budget shall include for each budgeted fund a statement of the revenues which have accrued for the past two completed fiscal years with the amount collected and the uncollected balances together with the same information, based in so far as necessary on estimates, for the current fiscal year and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) earnings of public utilities and other public service enterprises, (h) special assessments, and (i) sales of bonds and other obligations. Such estimate shall be printed or typewritten and there shall be sufficient copies for each member of the council, for the city manager, for the city clerk, and three, at least, to be posted in public places in the city. The estimates shall be submitted to the council at its first regular monthly meeting in September and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years of operation under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

§ 7.06 PASSAGE OF BUDGET.

The budget shall be the principal item of business at the first regular monthly meeting of the council in September and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted 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 annual budget finally agreed upon shall set forth in detail, the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed by the majority of the council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent for what purposes according to Sec. 7.05. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget not later than the first week of October or at such date the law prescribes by resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

§ 7.07 ENFORCEMENT OF THE BUDGET.

It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditure's and the sum of all outstanding orders and encumbrances. 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 therein authorized shall be a personal obligation upon the person incurring the expenditure.

§ 7.08 ALTERATIONS IN THE BUDGET.

After the budget resolution has been 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 majority of its members, reduce the sums appropriated for any purpose by the budget resolution, or by a vote of 4 members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

§ 7.09 EMERGENCY APPROPRIATIONS IN BUDGET.

The council may include an emergency appropriation as a part of the budget but not to exceed 10 percent of the total tax levy for the year. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least 4 members of the council and shall be used only for the purposes designated by the council.

§ 7.10 DISBURSEMENT; HOW MADE.

No disbursement of city funds shall be made except by check signed by the mayor, city manager, and treasurer and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it together with all outstanding encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet, approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The city Manager shall note on each contract requiring the payment of money by the city the particular fund out of which it is to be paid. The council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the city.

§ 7.11 FUNDS TO BE KEPT.

(A) There shall be maintained. in the city treasury the funds provided for in the following subdivisions.

(1) A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.

(2) A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid, the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time. To the extent required by law, a separate account in the debt service fund shall be maintained for each issue of city obligations.

(3) A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

(4) A special assessment fund, which shall be used to finance local improvements to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments with interest, levied against benefited property; (2) proceeds of bonds or warrants sold by the city to finance local improvements to be paid for in whole or in part, by special assessments; and the proceeds of inter-fund loans; (3) amounts from other city funds representing either (a) apportionments of costs against the city at large, (b) benefit assessments against city property, or, (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects financed through the fund; (2) the redemption of all special assessment fund obligations, with interest, at or before maturity; and any interfund loans; and (3) abatements of assessments and refunds of receipts in error. The council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments and the municipal share of the cost of a local improvement, the council may by a majority vote issue and sell obligations pledging the full faith and credit of the city, or pledging only special assessments, in such amounts and maturities as it may determine; but the aggregate amount of such obligations outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and uncollected; (2) cost of work in progress to be financed in whole or in part by special assessments, and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all local improvement projects financed through it shall upon completion be certified by the city manager as to total cost, which shall thereupon be apportioned by the council either as assessments against benefited property or as amounts due from other city funds. Amounts apportioned against other city funds shall be due when installments of special assessments levied for the same project are due, corresponding assessment rolls shall be charged interest as in the case of assessments and shall be credited to the fund, with any interest due, when collected. To the extent required by law, a tax for the city's share of the cost shall be levied before any obligations against the fund are issued and sold. When a local improvement to be financed wholly or partly from special assessment is undertaken under any applicable statute any provision of this subdivision inconsistent with the statute shall not apply.

(5) A public utility fund into which shall be paid all money derived from the sale of obligations issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction,

operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately. No more than 25% of the net profit (after depreciation) may be transferred from the Utility Fund to any other fund in any one year except by ordinance which shall state the specific purpose that the excess money shall be used for and in addition must affirm that a capital improvement program for the next 10 years has been studied and the Utility Fund does not need the money to fulfill its improvement program for the succeeding 10 years.

(B) In addition to the foregoing funds there may be maintained in the city treasury, whenever the council deems it advisable, the following funds:

(1) One or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds;

(2) One or more trust and agency funds, for the care and disbursement of money received and held by the city as trustee or custodian or in the capacity of any agent for individuals or other governmental units;

(3) Such other funds as may be required by statute or ordinance.

(C) In lieu of establishing any of the types of funds specified in division (B), the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The council shall have full power by ordinance or resolution to make interfund loans, except from trust, utility, and agency funds as it may deem necessary and appropriate from time to time.

§ 7.12 ACCOUNTS AND REPORTS.

The city manager shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances adopted in accord therewith. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the city as the council may require. Once each year on or before the last day of February, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year. This report shall show: the actual receipts and expenditures omitting duplications and stating the cash balance at the beginning of the last fiscal year and at the close, the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city when due, the amount of new bonds issued and the amount redeemed and the interest rate of each; the condition of all the annual budget allowances; an inventory of all the property owned by the city; and such further information as the city manager deems advisable or the council requires.

§ 7.13 CITY INDEBTEDNESS.

Except as provided in §§ 7.14 and 7.15, 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 state law, no such obligations shall be issued and sold

without the approval of the majority of the electors of the city voting on the question at a general or special election.

§ 7.14 TAX ANTICIPATION CERTIFICATES.

At any time after January 1st 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% 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 and shall bear interest at a rate not to exceed the maximum rate allowed by State law for general obligations of the City 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.

§ 7.15 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 ordinance issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed two years and to bear interest at not more than the maximum rate allowed by State law for general obligations in the City. 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 ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least 4 members of the Council. It may be passed as an emergency ordinance.

§ 7.16 CERTIFICATES OF INDEBTEDNESS.

The council may issue certificates of indebtedness within existing debt limits for the purpose of purchasing fire or police equipment or street construction equipment or maintenance equipment. Such certificates shall be payable in not more than five (5) years and shall be issued on such terms and in such manner as the council may deem necessary.

§ 7.17 INVESTMENT OF FUNDS.

The City Manager, with the approval of the Council, may invest monies out of the treasury of the city in accordance with the laws of the State of Minnesota, provided, however, that all interest accrued shall be the normal accounting credited to the proper fund in accordance with normal accounting procedures.

CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

§ 8.01 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS.

The city shall have the power to make any and every type of public improvements not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest until paid, but shall in no case exceed the benefits to the property.

§ 8.02 ASSESSMENTS FOR SERVICES.

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

§ 8.03 LOCAL IMPROVEMENTS REGULATIONS.

After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law (or charter provisions) applicable thereto. The council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinance shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least 4 members of the council. In the absence of such ordinance all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

§ 8.04 PUBLIC WORKS; HOW PERFORMED.

Public works including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The city may 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 9. EMINENT DOMAIN

§ 9.01 POWER TO ACQUIRE PROPERTY.

The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without 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, purchases or condemnation in the manner provided by law.

§ 9.02 PROCEEDINGS IN ACQUIRING PROPERTY.

The necessity for the taking of any 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, except as otherwise provided in this chapter.

§ 9.03 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 judgement in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within 60 days of such final determination, pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

§ 9.04 CITY MAY ABANDON PROCEEDINGS.

The city may, by resolution of the council at any stage of the condemnation proceedings or at any time within 30 days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses.

§ 9.05 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, 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 commissioners or other body assessing the damages on 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 10. FRANCHISES

§ 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 clerk to guarantee publication before the ordinance is passed.

§ 10.02 TERM.

No perpetual franchise shall ever be granted. No franchise for a term exceeding 10 years shall be effective until approved by a majority of the electors voting thereon.

§ 10.03 PUBLIC HEARINGS.

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 days prior to the date of the hearing.

§ 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 prices under an applicable law, ordinance or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

§ 10.05 RENEWALS OR EXTENSIONS.

Every extension renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the rules and regulations of the council.

CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

§ 11.01 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 but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

§ 11.02 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. In like manner the council may prescribe the time and manner in which payments for all such services shall be made and may make such other regulations as may be necessary and prescribe penalties for violation of such regulations.

§ 11.03 PURCHASE IN BULK.

The council may, in lieu of providing for the local productions 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.

§ 11.04 LEASE OF PLANT.

The council may, if the public interests 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 contracts shall be embodied in and let only by an ordinance approved by 4 members of the council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than 10 years.

§ 11.05 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 sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant any sale, lease, or abandonment shall be subject, in addition, to the requirements of state law.

CHAPTER 12. MISCELLANEOUS AND TRANSITORY PROVISIONS

§ 12.01 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 in this manner.

§ 12.02 OATH OF OFFICE.

Every officer of the city shall before entering upon the duties of his 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 as (mayor, councilman, city manager, etc.) of the City of Benson to the best of my judgment and ability."

§ 12.03 CITY OFFICERS NOT TO BE INTERESTED 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 financial interest in such contract or personally benefit financially therefrom.

§ 12.04 OFFICIAL BONDS.

The city manager, the city clerk, the city treasurer, and such other officers or employees of the city as may be provided for by resolution or ordinance shall each before entering upon the duties of his respective office or employment, 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 official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds at the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney, and filed with the city clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

§ 12.05 SALES OF REAL PROPERTY.

No real property of the city shall be disposed of except by ordinance. The proceeds of any sale 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.

§ 12.06 VACATION OF STREETS.

The council may by ordinance approved by at least 5 members of the council vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms 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.

§ 12.07 CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY.

The city shall succeed to all the property rights, privileges, and shall be subject to all the legal obligations of the city under the former charter.

§ 12.08 PRESENT OFFICERS TO HOLD OFFICE TILL WHEN.

The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city in the usual manner until January 1, 1966. They shall make such financial and other provisions for the fiscal year 1966 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 for in chapter 4 of this charter.

§ 12.09 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 Benson operating under home rule charters, and not inconsistent with the provisions of this charter shall apply to the City of Benson and shall be construed as supplementary to the provisions of this charter.

§ 12.10 EXISTING ORDINANCES CONTINUED.

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

§ 12.11 PENDING CONDEMNATIONS AND ASSESSMENTS.

Any condemnations 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 and the lien thereof enforced in the same manner as if this charter had not been adopted.

§ 12.12 ORDINANCE 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.

§ 12.13 FIRE DEPARTMENT AND RELIEF ASSOCIATION.

The authority of the council granted by this charter shall include authority by ordinance to organize or reorganize and create a fire department or a firemen's Relief Association or both. Any such organization or reorganization, whether voluntary or otherwise, shall be at all times subject to the full and complete supervision and control of the City Council.

CERTIFICATE OF COMMISSION

We, the undersigned, being the duly appointed, qualified and acting members of the Board of Freeholders (Charter Commission) in and for the City of Benson, Swift County, Minnesota, certify that the foregoing document., consisting of 12 sections, is the draft of a proposed new (revised) Charter for said City of Benson, prepared and framed by said Board of Freeholders and approved by said Board and the undersigned members thereof, and hereby affix our signatures to said draft and deliver the same to the Honorable Mayor and chief executive of the said City of Benson, to be submitted for action as by law provided.

Dated at Benson, Minnesota, this 6th day of April, 1965.

ROBERT HAWLEY, Chairman
ROBERT BUSS, Vice-Chairman
JOHN THOMPSON, Secretary
HARRY HUGHES
HJALMER ERICKSON
DONN LORENZ
FRED HANSON
NOEL DOKKEN
R.S. KUFRIN
BERNIE GALLAGHER
RAYMOND ARNE
ROBERT NELSON
ROBERT CHEVALIER

RICHARD BODGER,
RAY HOLMQUIST,
Attorneys for and members of the Commission.

Amendments to Charter dated:

November 4, 1982
March 17, 1983
May 3, 1983
June 2, 1983
September 9, 1983

were approved on said dates by Benson City Council:

Duaine E. Flanders, Mayor
Kenneth Angier, Councilmember
Connie Kiley, Councilmember
Edwin Johnson, Councilmember
Donald Thomas, Councilmember
Edward J. Shukle, Jr., City Manager

Charter Commission:

Vern Smith, Chairman
Thomas Buckingham
Roy DeBoer
Alwood Dokken
Dr. Dean Erickson
Barry Jungwirth
Connie Kiley

Dr. Greg Lee
Tim Mattheisen
Susan Nelson
Shirley Peterson
Dr. Donald Plackner
Ray Scheffler
Kenneth Spates
Donald Wilcox, Member and Assistant City Attorney
Vic Wordelman