



# **Plymouth City Charter**

**Effective: January 1, 1993**  
(Last Revised April 26, 2016)

## Plymouth City Charter History

Voters opted to make Plymouth a home rule charter city by adopting a City Charter on Nov. 3, 1992. The City Charter went into effect on Jan. 1, 1993. The Charter continued the Council - Manager form of government, and increased the size of the City Council to seven members elected from four wards.

It has been amended as follows:

11/03/92		Home Rule Charter	Adopted by Referendum Yes – 14,811 No – 7,775
11/07/95	<i>Amendment 1</i>	Providing that, when City Charter is silent, State Statutes apply	Adopted by Referendum Yes – 3,470 No – 923
11/07/95	<i>Amendment 2</i>	Defining residency qualifications for Council Ward seats	Adopted by Referendum Yes – 4,499 No – 196
11/07/95	<i>Amendment 3</i>	Providing for filling a vacancy on the Council	Adopted by Referendum Yes – 2,927 No – 1,708
09/24/98	<i>Amendment 4</i>	Amending sections regarding contributions	Adopted by Unanimous Council Vote
11/03/98	<i>Amendment 5</i>	Allowing ordinance requiring supermajority vote for tax rate increases	Adopted by Referendum Yes - 21,235 No - 5,143
03/21/2000	<i>Amendment 6</i>	Amending various sections containing obsolete transitional matters	Adopted by Unanimous Council Vote
11/07/2000	<i>Amendment 7</i>	Extending the Mayor’s term of office from two to four years	Adopted by Referendum Yes – 20,134 No – 14,055
11/07/2000	<i>Amendment 8</i>	Providing that special elections not held in conjunction with a general election shall be conducted by mailed ballot if allowed by law	Adopted by Referendum Yes – 23,977 No – 9,976

03/12/2002	<i>Amendment 9</i>	Amending inflationary adjustments	Adopted by Unanimous Council Vote
04/23/2002	<i>Amendment 10</i>	Amending ward boundaries	Adopted by Unanimous Council Vote
09/12/2006	<i>Amendment 11</i>	Charter Commission membership	Adopted by Unanimous Council Vote
03/13/2012	<i>Amendment 12</i>	Amending ward boundaries	Adopted by Unanimous Council Vote
01/13/2015	<i>Amendment 13</i>	Deleting Campaign Contribution reference and adding tabulation of write-ins for City Council	Adopted by Unanimous Council Vote
01/13/2015	<i>Amendment 14</i>	Deleting Section 7.04, Board of Equalization process	Adopted by Unanimous Council Vote
04/26/2016	<i>Amendment 15</i>	Amending Council vacancies	Adopted by Unanimous Council Vote

# PLYMOUTH CITY CHARTER

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# CHARTER FOR THE CITY OF PLYMOUTH, MINNESOTA

## CHAPTER 1 GENERAL PROVISIONS

### Section 1.01. Name and Boundaries.

The City of Plymouth is and will continue to be a municipal corporation with the boundaries existing on the effective date of this charter or as later modified in accordance with law.

### Section 1.02. Powers.

The City of Plymouth has all powers that it is now or hereafter possible for a municipal corporation in the State of Minnesota to exercise in harmony with the Constitutions of the State of Minnesota and of the United States. It is the intention of this charter that every power that the people of the city might lawfully confer upon themselves as a municipal corporation by specific enumeration in this charter is deemed to have been so conferred by this section. This charter is to be construed liberally in favor of the city. The specific mention of particular powers in this charter is not to be construed as limiting the generality of the powers conferred by this section.

### Section 1.03 Application of General Law Where the Charter is Silent.

Where the city charter is silent on a matter that is addressed for statutory cities by Minnesota Statutes Chapter 412 or other general law pertaining to the Council-Manager form of government and general law does not prohibit a city charter from addressing the matter, the City of Plymouth shall apply the general law. (*Amendment #1; 11/07/95*)

### Section 1.04 Charter Commission Membership.

A council member may serve on both the City Council and the Charter Commission, as long as no more than one council member serves on the Charter Commission at one time. Council members serving on the Charter Commission on the effective date of this Charter Amendment may complete their terms on the Charter Commission (*Amendment #11, Ordinance No. 2006-23 effective December 27, 2006*)

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## CHAPTER 2

# FORM OF GOVERNMENT

### Section 2.01. Form of Government.

The form of government established by this charter is the council-manager plan. The council exercises the legislative power of the city and determines matters of policy. The city manager is responsible to the council for the proper administration of city affairs.

### Section 2.02. Boards and Commissions.

There are no separate administrative boards or commissions except boards and commissions required by law or those established for the administration of a municipal function jointly with another political subdivision. The council performs the duties and exercises the powers of administrative boards or commissions. The council may establish boards or commissions to advise the council with respect to municipal functions or activities, to investigate subjects of interest to the city or to perform quasi-judicial functions.

### Section 2.03. Council Members; Qualifications and Terms.

Subd. 1. The council is composed of a mayor, one ward council member for each ward and two at large council members. The mayor and the council members must be eligible voters of the city and must further qualify for office as provided in this charter.

Subd. 2. The mayor and council members must be residents of the city. The ward council members must satisfy the residence requirements of section 2.04.

Subd. 3. The mayor and two council members are elected at large. A ward council member is elected from the ward in which the council member resides.

Subd. 4. The mayor is elected for a term of four years and a council member is elected for a term of four years. The mayor and council members serve until their respective successors are elected and qualify for office. (*Amendment #6; Ord. 2000-11 effective 07/04/2000, Amendment #7; Ord. 2000-13 effective 01/01/2003*)

### Section 2.04. Ward Council Members.

A ward council member must be a resident of the ward (i) at least for the 30 days immediately prior to the date of the election, or (ii) at the time of appointment to fill a vacancy. Except as

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provided in section 2.05, continued residence in the ward in which the council member resides at the time of election or appointment is a required qualification to hold office during the council member's term. (*Amendment #2; 11/7/95*)

#### Section 2.05. Wards.

The city is divided into four separately numbered wards corresponding generally to four geographic quadrants of the city. Review of the wards must be made by the council and the wards reapportioned no later than two years after the year in which a federal census is taken so that the population of the wards are as equal as practicable. A ward must be composed of compact and contiguous territory. A change in ward boundaries does not disqualify a council member from serving the remainder of a term. Reapportionment is by ordinance. If the council does not reapportion within the period prescribed, the mayor and council members forfeit all remuneration until the wards of the city are reapportioned as required by this section. The initial wards of the city are those described in section 12.13.

#### Section 2.06. Incompatible City Offices.

An elected officer of the city may not (i) be appointed city manager; (ii) hold any other city office or be employed by the city in any other capacity for pay; and (iii), for a period of one year after expiration of the officer's term of office, hold a city office or be employed by the city for pay.

#### Section 2.07. Council Vacancies.

A vacancy in an elective office exists for the reasons specified by law. (*Amendment #15; 4/26/2016*)

When a vacancy occurs for a reason specified, the council shall, at its next regular meeting, by a resolution stating its findings, declare the vacancy to exist. When a vacancy exists, the council must forthwith appoint an eligible person to fill the vacancy until the next regular municipal election when the office is filled for the unexpired term. If the Council does not appoint an eligible person within 60 days after the vacancy is declared, the Mayor shall appoint an eligible person to fill the vacancy on or before the next regular council meeting. If a vacancy occurs and exists in an elective office after the last day for filing affidavits of candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term. (*Amendment #3; 11/7/95*)

#### Section 2.08. Mayor.

The mayor is the presiding officer of the council. The council must choose from its members a deputy mayor. The deputy mayor holds office at the pleasure of the council and serves as mayor in the mayor's disability or absence from the city or when a vacancy in the office of mayor exists. The mayor:

- (i) exercises the powers and performs the duties conferred on the mayor by this charter, the ordinances of the city, and the laws of the state;
- (ii) is the official head of the city for ceremonial purposes, for purposes of the service of civil process, and for the purposes of martial law; and
- (iii) must report to the council neglect, dereliction of duty, or waste on the part of an officer or department of the city.

In time of public danger or emergency the mayor may, as provided by council resolution, take command of the police, maintain order and enforce the law.

Section 2.09. Salaries.

The salaries of the mayor and council members are fixed by ordinance in the manner provided by law.

Section 2.10. Investigation of City Affairs.

The council or an officer or officers formally authorized by the council may make investigations into the city's affairs, subpoena witnesses, administer oaths and compel the production of books and papers. The council may provide for an examination or audit of the accounts of an officer or department of the city government. The council may conduct surveys or research studies of subjects of municipal concern.

Section 2.11. Interferences with Administration.

Neither the council nor a council member may dictate the appointment by the city manager of a person to an office or employment. The council may not interfere with the city manager or prevent the city manager from exercising judgment in the appointment of officers and employees in the administrative service. Except for purposes of inquiry the council and its members must deal with and control the administrative service solely through the city manager. Neither the council nor any member of the council may give orders, publicly or privately, to a subordinate of the city manager.

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## CHAPTER 3

### COUNCIL PROCEDURE

#### Section 3.01. Council Meetings.

At the first regularly scheduled council meeting in January following a regular city election the newly elected mayor and members of the council assume their duties. The council meets at such times each month as prescribed by ordinance or resolution, but not less frequently than once each month. The mayor or three council members may call a special meeting of the council upon reasonable notice to council members and such other notice as required by law. Meetings of the council are public meetings. Any person may inspect the minutes and records of the meetings at reasonable times and in accordance with law.

#### Section 3.02. Council Officers.

The council may choose the officers and employees it finds necessary to serve at its meetings. The council must appoint a secretary of the council. The secretary must keep a journal of council proceedings and perform the duties required by this charter, ordinance or resolution. The council may designate any officer or employee of the city except the city manager, the mayor or a council member as its secretary.

#### Section 3.03. Rules of Procedure and Quorum.

The council determines its own rules and order of business. A majority of members elected is 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 of its members may compel the attendance of absent members.

#### Section 3.04. Ordinances; Resolutions; Motions.

Legislation must be enacted by ordinance. The “yes” and “no” votes on ordinances and resolutions must be recorded. Except as otherwise provided in this charter or by law an affirmative vote of a majority of all the members of the council is required for the passage of ordinances and resolutions.

#### Section 3.05. Procedure on Ordinances.

The enacting clause of an ordinance is: “The City of Plymouth ordains:”. An ordinance must be presented in writing.

Section 3.06. Emergency Ordinances.

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in the preamble to the ordinance. A prosecution may not be based upon the provisions of an emergency ordinance until (i) 24 hours after the ordinance has been filed with the city clerk and posted in three conspicuous places in the city, or (ii) the ordinance has been published, unless the person charged with violation of the ordinance had actual notice of the passage of the ordinance prior to the act or omission constituting the alleged violation.

Section 3.07. Procedure on Resolutions.

Resolutions must be presented in writing.

Section 3.08. Signing and Publication of Ordinances.

An ordinance passed by the council must be signed by the mayor or deputy mayor, attested by the city clerk and filed and preserved by the city clerk. An ordinance must be published once in the official newspaper. A summary of an ordinance may be published in the manner prescribed by law.

Section 3.09. When Ordinances and Resolutions take effect.

Resolutions and ordinances are effective immediately upon passage or at a later date stated in the ordinance or resolution. An ordinance adopted by the voters under chapter 5 is effective upon its adoption or at a later time stated in the ordinance.

Section 3.10. Amendment and Repeal of Ordinances and Resolutions.

An ordinance or resolution repealing a prior ordinance or resolution or section, subdivision or separately identified clause thereof must state the number or, if no number has been assigned, the title of the ordinance or resolution to be repealed in whole or in part. An ordinance or resolution or section, subdivision or clause thereof may not be amended by reference to the title only. The amending ordinance or resolution must set forth in full each section, subdivision or clause to be amended and indicate new matter by underscoring and matter to be omitted by striking out or by other appropriate symbols.

Section 3.11. Revision and Codification of Ordinances.

The council may, pursuant to this section and law, revise, rearrange and codify the ordinances of the city with the additions and deletions found necessary by the council. The ordinance code may be prepared in book, pamphlet or continuously revised loose-leaf form. Copies of the code must be kept available at the office of the city clerk for general distribution to the public free or at a

reasonable charge. Preparation of the code is sufficient publication of an ordinance provision not previously published if a notice is published in the official newspaper stating that copies of the code are available at the office of the city clerk.

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## CHAPTER 4

### ELECTIONS

#### Section 4.01. General Election Laws to apply.

Except as otherwise provided in this chapter the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary, special and general elections apply to city elections. The council may by ordinance adopt suitable and necessary supplementary procedures for the conduct of elections.

#### Section 4.02. Regular City Elections.

The regular city election is held on the first Tuesday after the first Monday in November of even numbered years. The election is held at the place or places designated by resolution of the city council. Notice of the election is given in the manner provided by law. Failure to give notice of the election does not invalidate the election. (*Amendment #6; Ord. 2000-11 effective 07/04/2000*)

#### Section 4.03. Special Elections.

The council may by resolution order a special election as provided by law and establish the procedures for holding the election. The procedures at a special election must conform to that prescribed by this charter and law. Special elections not held in conjunction with a general election shall be conducted by mailed ballot if allowed by law. (*Amendment #8; 11/7/2000*)

#### Section 4.04. Filing for Office.

An eligible voter of the city may file for election in the manner prescribed by law.

#### Section 4.05. Candidates for City Office.

A write-in candidate for mayor or city council who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven days before the general election. All write-in votes cast for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single candidate. (*Amendment #13, Ord2015-03 effective 04/13/2015*)

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## CHAPTER 5

# INITIATIVE AND REFERENDUM

### Section 5.01. General Authority.

Subd. 1. Initiative. The registered voters of the city may propose the adoption of ordinances by a procedure called the initiative. The initiative does not extend to (i) the budget or capital program, (ii) the appropriation of money or the levy of taxes, (iii) zoning or (iv) the salaries of city officers or employees.

Subd. 2. Referendum. The registered voters of the city may require reconsideration by the council of an adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at an election held for that purpose by a procedure called the referendum. The referendum does not extend to (i) the budget, (ii) a capital program, (iii) an emergency ordinance or (iv) an ordinance relating to the appropriation of money, the levy of taxes, zoning or the salaries of city officers or employees.

### Section 5.02. Contributions; Reporting.

Subd. 1. Reporting. A committee or organization proposing, promoting, or opposing an initiated ordinance or an ordinance that is the subject of a referendum must file a report with the city clerk showing (i) total contributions received, and (ii) the name and address of a person who contributed a total amount in excess of \$63, as adjusted, in a period consisting of 365 consecutive days. The report must be filed not later than 60 days after the date of a referendum or initiative election. (*Amendment #4; Ord. 98-21 effective 9/24/98; Amendment #9, Res2002-126 effective 03/12/2002*)

Subd. 2. Penalty. Violation of this section is a misdemeanor.

### Section 5.03. Commencement of Proceeding; Petitioners' Committee; Affidavit.

Subd. 1. Commencement. Five registered voters of the city may begin initiative or referendum proceedings by filing with the city clerk an affidavit stating that they constitute the petitioners' committee and will be responsible for circulating the petition and filing it in proper form. The affidavit must (i) state the names and addresses of the members of the committee, (ii) specify the address to which notices to the committee are to be sent and (iii) set out in full the proposed initiated ordinance or cite the ordinance sought to be reconsidered.

Subd. 2. Clerk's Duties. The city clerk must issue the appropriate petition forms to the petitioners' committee promptly after the affidavit has been filed. The clerk must (i) prepare a written estimate of the cost that would be incurred or saved, as the case may be, by the city by the passage of the initiated ordinance or the repeal of the referred ordinance or (ii) prepare a written statement that no reasonable estimate of cost or savings is possible.

Section 5.04. Petitions.

Subd. 1. Number of Signatures. Initiative and referendum petitions must be signed by registered voters of the city. The number of petitioners must equal at least 15% of the number of persons registered to vote at the last regular city election.

Subd. 2. Form and Content.

- i. Petition papers must be uniform in size and style and be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the address of the person signing.
- ii. A petition must contain or have attached thereto in each petition copy circulated the full text of the ordinance proposed or sought to be reconsidered, with changes highlighted, if appropriate.
- iii. A petition or copy thereof must specifically identify the ordinance sought to be initiated or identify by number the ordinance to be subjected to referendum.
- iv. A copy of the petition must state the estimated cost that would be incurred or saved, as the case may be, by the city by the passage of the initiated ordinance or the repeal of the referred ordinance. The petition must include (i) a related cost-benefit analysis of not more than 100 words or (ii) a statement that no reasonable estimate of cost or savings is possible. The estimated cost or savings must be stated on an annual basis if the cost or savings is expected to be of a recurring nature.
- v. The petition must state the purpose of the proposed ordinance or referred ordinance in summary form.
- vi. The affidavit must be in the form prescribed by law.

Subd. 3. Statement of Circulator. Each paper or copy of a petition must have attached to it when filed a statement executed by the person circulating the paper stating that: (i) that person personally circulated the paper, stating the number of signatures contained thereon; (ii) each signature was affixed in that person's presence; (iii) that person believes each signature to be the genuine signature of the person whose name it purports to be; and (iv) each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Subd. 4. Dates; Six-Month Limit. The petition must contain the date or dates when each signature on that page was executed. A signature is not valid if the signature was executed or certified more than six months after the date of the filing of the committee's affidavit.

Section 5.05. Procedure after Filing.

Subd. 1. Certificate of Clerk; Amendment. Within 20 days after the committee files an affidavit for initiative or referendum, the clerk must certify the sufficiency of the petition. If the clerk determines that the petition is insufficient because of an inadequate number of valid signatures or other insufficiency, the clerk must specify the portions of the petition that are insufficient. The clerk must then promptly send a certificate of insufficiency to the petitioner's committee by registered mail.

Subd. 2. Modification of Petition. A petition certified insufficient for lack of the required number of valid signatures may be made sufficient by additional signatures within the six-month period following the filing of the affidavit. The language of the initiated ordinance or the ordinance to be referred may not be changed after filing of the affidavit.

Subd. 3. Council Review. A petition deemed insufficient by the clerk may on request of the petitioner's committee be reviewed by the council within 22 days after the petitioner's committee has received a certificate of insufficiency. The council must then review the certificate at its next regular meeting and approve or disapprove the petition.

Subd. 4. Court Review; New Petition. A council determination as to the sufficiency of a petition is subject to judicial review. A determination of insufficiency, even if sustained upon court review, does not prevent the filing of a new petition for the same purpose. Judicial review must be sought within 30 days after a determination of insufficiency by the council.

Section 5.06. Referendum Petition; No Suspension of Ordinance.

An ordinance is not suspended from taking effect by the filing of a referendum petition.

Section 5.07. Filing of Petitions.

Subd. 1. A petition for initiative or referendum, and all of its copies with original signatures of registered voters, may be filed as one petition with the city clerk.

Subd. 2. Action by Council. When a petition with the requisite signatures on its original and copies has been filed with the clerk and has been determined sufficient (i) by the clerk or (ii) in accordance with section 5.05, the clerk must refer the petition to the city council. The council after a public hearing on reasonable notice must promptly (i) consider and may adopt the proposed initiated ordinance or (ii) reconsider the referred ordinance repealing the ordinance. The council may adopt the proposed initiated ordinance with changes in substance with the approval

of four of the committee members, and if the ordinance is so adopted, initiative proceedings for that ordinance terminate. If the council (i) fails to adopt an initiated ordinance or (ii) fails to repeal the referred ordinance within 40 days after the date of determination of sufficiency, the council must submit the initiated ordinance or referred ordinance to the voters.

Subd. 3. Submission to Voters. The initiated ordinance or the proposed ordinance must be submitted to the voters at the next city-wide regular or special election held not less than 90 days nor more than one year after the council's action submitting the ordinance to the voters. If no such election is scheduled during the one-year period, the council must call a special election for that purpose during that one-year period.

Subd. 4 Withdrawal of Petitions. A petition for initiative or referendum may be withdrawn at any time before the 60th day preceding the date scheduled for the election on the ordinance by filing with the clerk a request for withdrawal signed by at least four members of the petitioners' committee. If the request is filed, the petition has no further force or effect, and all proceedings thereon are terminated.

#### Section 5.08. Charter Amendments.

Petitions for initiative or referendum do not apply to amendments of this charter.

#### Section 5.09. Results of Election.

- (a) Initiative. If a majority of the voters voting on an initiated ordinance approve, the ordinance is effective upon certification of the election results.
- (b) Conflicting Ordinances. If conflicting initiated ordinances are approved at the same election, the ordinance receiving the greatest number of affirmative votes is adopted. Any number of initiated ordinances may be voted on at the same election, but the voters must be permitted to vote for or against each ordinance separately.
- (c) Referendum. If a majority of the voters voting on a referred ordinance do not approve the ordinance, the ordinance is repealed upon certification of the election results.

#### Section 5.10. Forms.

Subd. 1. Initiative. The form of the initiative petition is fixed as follows:

#### INITIATIVE PETITION

Proposing an ordinance to \_\_\_\_\_ (stating the purpose of the ordinance), a copy of which ordinance is attached hereto. This ordinance is sponsored by the following committee of eligible voters:

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

The undersigned eligible voters understand the terms and nature of the proposed ordinance attached hereto.

1. We stated that the estimated cost or savings on an annual basis during the existence of the ordinance is \$\_\_\_\_\_.

or

We state that the estimated total (cost) (savings) resulting from the adoption of the ordinance to be \$\_\_\_\_\_.

or

We state that it is not possible to estimate the cost or savings resulting from the adoption of the ordinance.

2. We further state that the city clerk has estimated the (cost) (savings) resulting from the adoption of the ordinance to be \$\_\_\_\_\_ on an annual basis.

or

We further state that the clerk has estimated that the total (cost) (savings) resulting from the adoption of the ordinance to be \$\_\_\_\_\_.

We further state that the city clerk has determined that the cost or savings resulting from the adoption of the ordinance is not possible to estimate.

Subd. 2. Referendum. The form of the referendum petition is fixed as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to \_\_\_\_\_ (stating the purpose and number of the ordinance), a copy of which ordinance is attached hereto. The proposed repeal is sponsored by the following committee of eligible voters:

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

The undersigned eligible voters understand the terms and nature of the ordinance attached hereto, believe it to be detrimental to the welfare of the city, and petition the city council for its repeal or the submission of the ordinance to the voters for approval or disapproval by the voters.

1. We state that the petitioners' estimate of the total (cost) (savings) resulting from the ordinance, if not repealed, would be \$\_\_\_\_\_.

or

We state that the petitioners' estimate of the fixed annual (cost) (savings) resulting from the ordinance, if not repealed, would be \$\_\_\_\_\_ per year.

or

We state that the (cost) (savings) resulting from the ordinance, if not repealed, is not possible to estimate.

2. We further state that the city clerk has estimated that the total (cost) (savings) resulting from the repeal of the ordinance would be \$\_\_\_\_\_.

or

They further state that the city clerk has estimated that the (cost) (savings) resulting from the repeal of the ordinance to be \$\_\_\_\_\_ on an annual basis.

or



They further state that the city clerk has determined that the cost or savings resulting from the repeal of the ordinance is not possible to estimate.

Subd. 3. Estimate of Cost. The face of a petition must include an estimate of the cost of a special election as certified by the clerk if a special election is necessary.

Section 5.11. Ballots.

The ballot at an election on an ordinance initiated or subject to referendum under this chapter must state the substance of the ordinance and contain appropriate instructions for the voters to indicate “yes” or “no” on the question of its adoption.

Section 5.12. Reenactment; Amendment.

An ordinance adopted by initiative may not be repealed or amended by the council for a period of one year following its effective date. An ordinance repealed by referendum may not be reenacted by the council for a period of one year following its repeal.

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## CHAPTER 6

### ADMINISTRATION OF THE CITY

#### Section 6.01. City Manager.

Subd. 1. The city manager is the chief administrative officer of the city. The manager is appointed by the city council solely on the basis of training, experience and executive and administrative qualifications. With the approval of the council, the manager may designate some properly qualified person to perform the duties of the manager during the absence or disability of the manager. If the office of manager is vacant and no such designation has been made, the council must appoint an acting manager.

Subd. 2. The city manager is appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the council. After having served for one year, the manager may demand written charges and a public hearing before the council on the charges prior to the date when the removal of the manager takes effect. The public hearing must be held within 30 days of the manager's demand, and the written charges must be supplied to the manager at least ten days prior to the hearing. After the hearing, if one is demanded, the council may either reinstate the manager or make the removal final. Pending the hearing and removal, the council may suspend the manager from office and appoint an acting manager. Prior to removal the manager must be paid the manager's regular salary.

Subd. 3. The council must periodically review the manager's performance. The council and the manager may enter into an employment agreement.

#### Section 6.02. Manager; Powers; Duties

Subd. 1. The manager is responsible to the council for the administration of the city's affairs. The manager has the powers and duties specified in this section.

Subd. 2. The manager must assure that this charter, the laws and ordinances of the city and the resolutions of the city council are enforced and carried out.

Subd. 3. The manager appoints officers and employees of the city on the basis of merit and fitness, but the appointment and removal of the city attorney is subject to the approval of the council. The manager may remove or suspend officers and employees of the city.

Subd. 4. Except as otherwise provided by this charter or law, the manager directs departments and divisions of the city administration.

Subd. 5. The manager must attend meetings of the council. The manager may take part in discussion at council meetings but may not vote. The council may exclude the manager from a meeting at which the manager's removal is considered.

Subd. 6. The manager may recommend to the council measures deemed necessary for the welfare of the people and the efficient administration of the city's affairs.

Subd. 7. The manager must keep the council fully advised on the financial condition and needs of the city. The manager must prepare and submit the annual budget to the council.

Subd. 8. The manager must, as soon as practicable after the close of the fiscal year, submit to the council a written report on the finances and administrative activities of the city. The manager's report must be discussed by the council at a public hearing called for that purpose.

Subd. 9. The manager must prepare and amend from time to time an administrative code setting out the administrative procedures of the city.

Subd. 10. The manager performs the other duties prescribed by law, this charter or by the council.

#### Section 6.03. Departments.

With the approval of the council, the manager may create departments, divisions and other units of the city administration consistent with this charter and law.

#### Section 6.04. Other Officers.

There must be a city clerk, a chief financial officer and such other officers subordinate to the city manager as may be created by the council by ordinance or resolution or established by law. The clerk is responsible for the keeping of city records. The clerk and other officers have the duties imposed by state law, this charter, ordinances and council resolutions.

#### Section 6.05. Purchases and Contracts.

The manager is the chief purchasing agent of the city. Purchases and contracts may be made by the manager when the amount of the purchase or contract does not exceed the amount at which competitive bids are required by law. Other purchases and contracts are made by the council on the recommendation of the manager. Except for purchases and contracts made by the manager, contracts, bonds and instruments to which the city is a party must be signed by the mayor and the manager on behalf of the city.

#### Section 6.06. Contracts; Bids.

City contracts must be made in compliance with law. When competitive bids are submitted the contract must be awarded to the lowest responsible bidder. The council may by ordinance adopt additional regulations for making city contracts.

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## CHAPTER 7

### TAXATION AND FINANCE

#### Section 7.01. Council Controls Finances.

The council is responsible for the financial affairs of the city. The council must provide for the collection and protection of revenues and other assets and the auditing and settlement of accounts.

#### Section 7.02. Fiscal Year.

The fiscal year of the city is the calendar year.

#### Section 7.03. System of Taxation.

Subject to the state constitution and except as forbidden by it or law the council may provide by ordinance for a system of local taxation. In the taxation of real and personal property under a system of local taxation the council must conform as nearly as possible to law in the assessment of property and the collection of the taxes.

Section 7.04. *(Section deleted by Amendment #14, Ord2015-04 effective 04/13/2015)*

#### Section 7.05. Preparation of Budget.

The manager must prepare an annual budget and submit it to the council. The budget must include the general fund but may include other funds at the discretion of the city council. The estimated revenues and expenditures for each fund must be shown for each department of the city. The city manager must submit with the budget explanatory statements deemed necessary. The budget must show comparative figures for the current fiscal year, actual and estimated, and actual figures for the preceding fiscal year.

#### Section 7.06. Adoption of Budget.

The council must, by a budget resolution, adopt the budget at the time required by law. The budget is the principal item of business at regular council meetings at the times required by law and at subsequent meetings until the budget is adopted. The consideration of the budget by the council must be conducted in a manner to give citizens an opportunity to be heard. The manager must review the budget in the detail requested by the council. The adopted budget must set forth in detail the financial plan of the city for the ensuing fiscal year. The sum appropriated by the

budget may not exceed the estimated revenues together with other available funds on hand to fund the expenditures. The council must levy sufficient taxes to provide adequate resources for the budgeted expenditures in the next ensuing fiscal year. The tax levy resolution must be certified to the county auditor in accordance with law. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution.

Section 7.07. Enforcement of Budget.

The manager must enforce the budget. The manager may not approve an expenditure unless funds for that expenditure are appropriated by the budget. The manager may not approve an expenditure authorized by the budget unless there is a sufficient unexpended balance in the appropriation after deducting prior expenditures from and current encumbrances against the appropriation. An officer or employee of the city may not place an order or make a purchase for the city unless the order or purchase is authorized in the budget. An obligation incurred by an officer or employee for a purpose not authorized in the budget or for an amount in excess of the amount appropriated in the budget is the personal obligation of the person incurring the obligation.

Section 7.08. Alterations in Budget.

The council may not increase the amounts appropriated in the budget resolution beyond the estimated revenues, except to the extent that actual receipts exceed the estimated revenues. The council may by resolution reduce an appropriation in the budget. The council may by a vote of at least five members authorize the transfer of sums from unencumbered appropriations in the budget to other purposes.

Section 7.09. Disbursements.

Except for payments which may be made by wire transfer, disbursements of city funds exceeding \$63, as adjusted by section 12.14, must be made by check bearing the manual or facsimile signature of the mayor, the city manager and the chief financial officer. The city manager must institute safeguards to ensure that checks are issued only by authorized individuals, for properly authorized public purposes and in compliance with this charter. The safeguards must also ensure that disbursements under \$63, as adjusted by section 12.14, are approved by persons authorized by the city manager. Each check must specify the purpose for which the disbursement is made and the fund from which it is drawn, or a check register must be prepared which contains this information. A check may not 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 or authorized city employee who vouches for its correctness and reasonableness. The council may by ordinance or resolution make further regulations for the safekeeping and disbursement of city funds. For checks other than employee wage and expense reimbursement payments, an accompanying check register must specify the purpose of each disbursement and the fund from which it is drawn. (*Amendment #9, Res2002-126 effective 03/12/2002*)



Section 7.10. Funds.

There must be maintained in the city treasury a general fund and the funds required by law, ordinance, the budget resolution or other resolution. The council may make inter-fund loans and transfers except from trust or agency funds or where prohibited by this charter or law.

Section 7.11. Accounting

The city manager is the chief accounting officer of the city. The manager must keep the council informed of the financial status of the city. The manager must provide for an annual audit of the city's finances by either the state auditor or a firm of certified public accountants. A summary of the audit must be published once in the official newspaper.

Section 7.12. Debt.

Except as provided in section 7.13, obligations may not 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 limits prescribed by law.

Section 7.13. 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 a fiscal year with interest thereon until maturity may not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. The certificates (i) are issued on such terms and conditions as the council determines, (ii) bear interest at no more than the lawful rate and (iii) are due and payable no 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 must be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.14. Community Improvement Fund.

Subd. 1. Sources. The council must create and maintain a separate fund and designate it as the community improvement fund. Into this fund are deposited the following:

- (a) surplus money from the various special assessment funds that remain after the costs of each improvement project have been fully funded and bonds issued for the project paid or defeased, and which money has not been transferred to another separate improvement fund;
- (b) collections of special assessments received after an improvement project has been fully funded and bonds issued for the project paid or defeased;
- (c) investment earnings generated by the money in the fund; and

- (d) any other money appropriated by the council or donated to the city for the purposes of the fund.

Subd. 2. Uses. Expenditures from the fund may be made only for items of a capital nature. The council must by ordinance provide a procedure for expenditures from the fund. The ordinance must provide that the principal of the fund may be expended (i) only if the expenditure is a loan that must be repaid, or (ii) if no further expenditures are made from the fund until the principal has been restored to its previous amount plus ten percent of the earnings that would have been generated on the principal at the previous amount. The ordinance must also provide that the total amount of principal used may not exceed an amount equal to the fund's actual investment earnings from the two calendar years prior to the expenditure. The council may alter or remove these restrictions on using principal, but only upon at least five affirmative votes. The ordinance is not subject to referendum or initiative.

Subd. 3. Limitations; Voter Approval. Notwithstanding the provisions of subdivision 2, the city council may not make an expenditure from the fund in excess of \$3,782,991, adjusted as provided in section 12.14, for a specific purpose unless the question of making the expenditure has been approved by a majority of the votes cast in a regular or special election. (*Amendment #9, Res2002-126 effective 03/12/2002*)

#### Section 7.15 Increase in Tax Rate.

The Council may by ordinance require a two-thirds majority of all members of the Council to adopt a tax levy resolution that increases the City's tax rate over the prior year. Tax rate means the quotient derived by dividing the City's tax levy by the City's net tax capacity. The ordinance, if adopted, may not be repealed until after a public hearing has been held by the City Council. A notice of the time, place, and purpose of the hearing shall be published in the City's official newspaper at least ten (10) days prior to the day of the hearing. A repealing ordinance shall take effect one year after its adoption. (*Amendment #5; 11/3/98*)

## CHAPTER 8

# PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

### Section 8.01. Powers.

The city may make any type of public improvement not forbidden by law and may levy special assessments against benefited property to pay all or a portion of the cost of a local improvement in the manner prescribed by law. The special assessments for a local improvement may equal the cost of the improvements but may not exceed the special benefit to the property assessed.

### Section 8.02. Current Services.

In addition to the provisions of law the council may provide by ordinance that the cost of city services to streets, sidewalks or other public or private property may be assessed against the property served and collected in the same manner as special assessments.

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## CHAPTER 9

### EMINENT DOMAIN

#### Section 9.01. Acquisition of Property.

The city may acquire by purchase, gift, condemnation or otherwise, property within or without its boundaries that may be needed by the city for a public purpose. In acquiring property by the power of eminent domain the city must proceed in accordance with law.

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## CHAPTER 10

# FRANCHISED PUBLIC UTILITIES

### Section 10.01. Franchises Required.

Except as otherwise provided by law, a person, firm or corporation may not place or maintain a permanent or semi-permanent fixture in, over, upon or under a street, highway or public way in the city for the purpose of operating a public utility or for any other purpose without a franchise therefor from the city.

### Section 10.02. Ordinance.

A franchise is granted by ordinance which may not be an emergency ordinance. An ordinance granting a franchise must contain all of the terms and conditions of the franchise. A franchise is not valid unless unconditionally and fully accepted by the grantee and filed with the city clerk.

### Section 10.03. Term.

An exclusive or perpetual franchise may not be granted by the city. A franchise for a term exceeding 20 years is not effective unless approved by a majority of the voters voting thereon at a regular or special election.

### Section 10.04. Public Hearing.

Before a franchise ordinance is adopted or rates, fares or prices to be charged by a public utility are fixed by the council, the council must hold a public hearing on the matter. Notice of the hearing must be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

### Section 10.05. Publication Cost

The grantee of the franchise must pay for publication of the franchise ordinance.

### Section 10.06. Power of Regulation Reserved.

Subject to applicable law the council may by ordinance reasonably regulate and control the exercise of a franchise, including maximum rates, fares or prices to be charged by the grantee. The value of the franchise may not be included in the valuation of the grantee's property in regulating utility rates, fares or prices under applicable law, ordinance or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

The rights of a grantee under a franchise are subject to the superior rights of the public to the use of streets and public places.

Section 10.07. Renewals.

An extension, renewal or modification of a franchise is subject to the same limitations and is granted in the same manner as a new franchise.



## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

#### Section 11.01. Acquisition.

The city may own and operate a gas, water, heat, power, light, telephone, transportation, solid waste, hazardous waste, sanitation or other public utility for supplying its own needs for utility service, for supplying utility service to private consumers or for both purposes. The city may construct the facilities reasonably needed for the utility and may acquire existing utility properties for the utility. The city manager supervises the operation of city owned public utilities.

#### Section 11.02. Rates and Charges.

The council may fix rates, fares and prices for municipal utilities and services. The council may prescribe the time and the manner in which payments for all utility services are to be made, may make other regulations governing utility services and may prescribe penalties for violations of the regulations.

#### Section 11.03. Purchase in Bulk.

In lieu of providing for the local production of gas, electricity, water and other utilities, the council may purchase the same in bulk and resell them to local consumers at such rates as it may fix.

#### Section 11.04. Lease of Plant.

The council may lease a city owned utility to a private party for a term not to exceed ten years at rentals and on conditions as deemed necessary. The lease must be embodied in an ordinance approved by five members of the council. The ordinance may not be an emergency ordinance.

#### Section 11.05. Sale of Utility.

A public utility owned by the city may not be sold or otherwise disposed of unless the full terms of the sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election.

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## CHAPTER 12

### MISCELLANEOUS AND TRANSITION PROVISIONS

#### Section 12.01. Official Publications.

The council must annually designate a legal newspaper of general circulation in the city as the official newspaper. Ordinances, matters required by law, this charter and other matters that the council deems necessary for publication are to be published in the official newspaper.

#### Section 12.02. Oath of Office.

Elective officers of the city and any other officer so required by law or this charter must, before taking office, take and subscribe to an oath of office in substantially the form required by law.

#### Section 12.03. Interest in Contracts.

Except as otherwise permitted by law an officer of the city who is authorized to take part in any manner in a contract with the city in an official capacity may not voluntarily have a personal financial interest in or personally benefit from the contract.

#### Section 12.04. Official Bonds.

Officers and employees of the city required by ordinance or law to supply a bond must, before assuming office or employment give a corporate surety bond to the city as security for the faithful performance of official duties and the safekeeping of public funds. The bond (i) must be in the form and amount fixed by the council, (ii) may be either an individual or blanket surety bond, (iii) must be approved as to form by the city attorney and (iv) must be filed with the city clerk. Premiums on the bond are paid by the city.

#### Section 12.05. Sale of Real Property.

Real property of the city must be disposed of by resolution adopted after ten days' published notice of a public hearing before the council on the matter. The net proceeds of the sale of real property must first be used to retire outstanding indebtedness incurred by the city in the acquisition or improvement of that real property and the balance deposited in the general fund.

#### Section 12.06. Vacation of Streets.

The council may by resolution vacate streets, alleys, public ways and public grounds, or parts thereof, in the city. The vacation may be made after ten days' published notice of a public hearing

before the council on the matter. The clerk must file a notice of completion of the vacation proceedings with the appropriate county official and in accordance with law.

Section 12.07. City to Succeed to Rights and Obligations of Former City.

Under this charter, the city will succeed to all the property, rights and privileges and will be subject to all legal obligations of the city under the former form of government.

Section 12.08. Existing Ordinances Continued.

Ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

Section 12.09. Pending Condemnations, Improvements and Assessments.

A condemnation, improvement or assessment proceeding in progress when this charter takes effect is to be continued and completed under the laws under which the proceeding was begun. Assessments made by the city prior to the time when this charter takes effect will be collected as if this charter had not been adopted.

Section 12.10. Ordinances to make Charter Effective.

The council may by ordinance, resolution or other appropriate action take the necessary steps to make the provisions of this charter effective.

Section 12.12. Effect of Charter Adoption.

Nothing in this charter is to be construed to modify, abrogate or abridge (i) the rights, duties, liabilities, privileges or immunities of the city or its officers, (ii) the ordinances and resolutions of the city in effect on the effective date of this charter or (iii) the qualifications or terms of office of city officers as they existed prior to the effective date of this charter, except as otherwise specifically provided in this charter. This charter is not to be construed to affect, modify or repeal any special law of the state applicable to the City of Plymouth.

Section 12.13. Special Transitional Matters.

Subd. 1. Wards. The wards of the city are described as follows:

Ward 1. Precinct Nos. 1, 2, 3, 4, 5, and 6

Ward 2. Precinct Nos. 7, 8, 9, 10, 11, and 12

Ward 3. Precinct Nos. 13, 14, 15, 16, and 17

Ward 4. Precinct Nos. 18, 19, 20, 21, 22, and 23

*(Amendment #10, Ord2002-17 effective 04/23/2002; Amendment #12, Ord2012-09 effective 03/13/2012)*

Precincts are those established by council resolution and existing as the effective date of this charter. The council may not modify precinct boundaries prior to December 31, 1993, unless required by law or court decision.

Section 12.14. Adjustments.

The monetary limits in sections 4.05, 5.02, Subdivision 1, 7.09 and 7.14 are to be adjusted upward or downward in each year ending in zero by application of a consumer price index published by an appropriate agency of the United States government for the Minneapolis/St. Paul metropolitan area. The calculation of the adjustment must be made by a qualified person selected by the city council. The amount of the adjustment must be certified by the clerk to the city council prior to December 31 of the year in which the calculation of the adjustment is made.

Section 12.15. Amendment.

This charter may be amended only in the manner provided by law.

Section 12.16. Effective Date.

This charter is effective on January 1, 1993.

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## CERTIFICATE OF DELIVERY

The undersigned, members of the Charter Commission of the City of Plymouth, Minnesota, certify that the above draft charter for the City of Plymouth, Minnesota was duly adopted by a majority of the members of the Plymouth Charter Commission at a duly called and regularly held meeting of the Commission on Monday, July 13, 1992. The draft charter is delivered this day to the clerk of the City of Plymouth in accordance with Minnesota Statutes, sections 410.07 and 410.10.

Dated: \_\_\_\_\_, 1992.

\_\_\_\_\_  
Virgil A. Schneider, Chair

\_\_\_\_\_  
Kapila J. Bobra

\_\_\_\_\_  
Tyrone P. Bujold

\_\_\_\_\_  
H. David Crain

\_\_\_\_\_  
John M. Duntley

\_\_\_\_\_  
Patrick J. Foley

\_\_\_\_\_  
Gerard A. Ford

\_\_\_\_\_  
Pauline V. Milner

\_\_\_\_\_  
Sandy Patterson

\_\_\_\_\_  
Timothy J. Peterson

\_\_\_\_\_  
William C. Pribble

\_\_\_\_\_  
Ellie Singer

\_\_\_\_\_  
Jon A. Speck

\_\_\_\_\_  
Joy Tierney

\_\_\_\_\_  
Todd S. Wirth

Received on \_\_\_\_\_, 1992.

\_\_\_\_\_  
Laurie Rauenhorst, City Clerk

