

**City of Ramsey**  
**Agenda**  
**Charter Commission**  
**Wednesday, December 18, 2024**

**6:00 pm**  
**Council Chambers, 7550 Sunwood Drive NW**

Remote Attendance available at [www.cityoframsey.com/meetings](http://www.cityoframsey.com/meetings).  
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. **Call to Order**
  
2. **Citizen Input**
  
3. **Approve Agenda**
  
4. **Approve Minutes**
  1. Approve the Following Meeting Minutes:
    - 1) Regular Charter Commission Meeting - July 19, 2023
  
5. **Commission Business**
  1. Elect Chair and Vice Chair for 2024–2025
  2. Approve Year End Activity Letter to Chief Judge for Year 2023
  3. Ordinance #25-02 Amending the City Charter
  
6. **Commission/Staff Input**
  
7. **Adjournment**

**Charter Commission**

**Meeting Date:** 12/18/2024

**Primary Strategic Plan Initiative:** Enhance City’s communication through transparency and accountability.

**Information**

**Title:**

Approve the Following Meeting Minutes:

- 1) Regular Charter Commission Meeting - July 19, 2023

**Purpose/Background:**

Purpose: To review minutes from past meeting and approve.

Background: The last regular meeting held by the Charter Commission was July 19, 2023. That set of minutes is attached for Commission review and approval.

**Recommendation:**

Staff recommends reviewing the attached set of minutes and approving with or without amendments.

**Outcome/Action:**

Motion to approve the following meeting minutes:

- 1) Regular Charter Commission Meeting - July 19, 2023.

**Attachments**

7-19-23 Charter Commission Minutes

**Form Review**

**Inbox**

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 12/12/2024

**Reviewed By**

Brian Hagen

**Date**

12/12/2024 12:16 PM

Started On: 11/25/2024 12:58 PM

**CHARTER COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, July 19, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:           Chairperson Joseph Field  
                                  Commissioner Ben Deemer  
                                  Commissioner Joshua Fuhreck  
                                  Commissioner Jennifer Leistico  
                                  Commissioner David May  
                                  Commissioner Laura Moore  
                                  Commissioner Amy Rusert

Members Absent:           Commissioner Jim Bendtsen  
                                  Commissioner Victor Jumah

Also Present:              City Clerk Katie Schmidt  
                                  City Administrator Brian Hagen  
                                  City Attorney Fritz Knaak

**CALL TO ORDER**

Chairperson Field called the regular meeting of the Charter Commission to order at 6:00 p.m.

**CITIZEN INPUT**

None.

**APPROVE AGENDA**

Motion by Commissioner Deemer, seconded by Commissioner Fuhreck, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

**APPROVE MINUTES**

Motion by Commissioner Leistico, seconded by Commissioner Deemer, to approve the following meeting minutes as presented:

- 1)     Regular Charter Commission Meeting dated February 2, 2023

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Deemer, Fuhreck, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

## **COMMISSION BUSINESS**

### **5.1 Approve Year End Activity Letter to Chief Judge for Year 2022**

Motion by Commissioner Deemer, seconded by Commissioner May, to approve the year-end annual report letter for 2022 and direct staff to submit such report to The Honorable Stoney L. Hiljus, Chief Judge of the Tenth Judicial District.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

### **5.2 Review Council Supported Options Regarding Chapter 4 of the Charter – Nominations and Elections**

City Clerk Schmidt presented the staff report, summarizing the recent actions of the City Council. She stated that the Charter Commission will need to review Sections 4.5.4 and 4.5.6 of Chapter 4 as those changes were not approved by the City Council.

Chairperson Field noted the proposed changes supported by the Council for 4.5.4 and 4.5.6 and welcomed input from the Commission.

Commissioner Leistico commented that the unanimous vote concept seemed to be a common ground between the Council members. She stated that she does not feel very strongly about it but noted that would be a tough bar to pass.

Commissioner Fuhreck agreed that unanimous would be difficult to pass and would like to see something less than that but acknowledged that a close split of the vote would not be ideal for appointing someone to the Council.

Commissioner Deemer provided some historical context on special elections, going back to the 1970s. He commented that the Council does seem to support appointing someone if there is less than one year of the term remaining, which is progress.

Chairperson Field commented that it seems that the Council is willing to accept that there could be a vacancy for the last year if they could not find a candidate that all members of the Council agreed on to appoint. He noted that one member of the Council objecting to the appointment would kill the chance of an appointment.

Commissioner Deemer commented that with seven members on the Council it would not seem to be a huge deal if one seat were vacant.

Commissioner Fuhreck asked what would be needed for a super majority and whether they would be any possibility the Council would agree to that versus a unanimous approval.

City Administrator Hagen stated that as staff reviewed this with the Council, they identified some issues that exist within the current language in the Charter and provided additional context. He stated that the Council felt adamantly that the Council seats should be filled by someone elected by the public, but also recognized that if too many seats become vacant that could impact the ability to conduct business and therefore provided an opportunity to fill the vacant position(s).

Commissioner Leistico referenced the change in language from “shall” to “may” and noted that she would prefer shall versus may.

Commissioner Fuhreck stated that the issue he has is with the ability for the Council to have a unanimous vote in support of a candidate for appointment. He commented that while that is a nice concept, the likelihood of it occurring with this Council, and/or future Councils is highly unlikely and therefore the seat would simply remain vacant for the remainder of that term.

Chairperson Field agreed that the term “may” does appear to be discretionary but recognized that they would not have to.

Commissioner Moore commented that she also appreciates the word “shall” versus “may”.

Chairperson Field used the scenario in which the vacated seat occurs just a short time before the election where it would make more sense to simply go with the election.

Commissioner Moore commented that the City Council meets twice per month in regular meeting and worksession, therefore there is a lot of work to be done in a one-year term. She stated that if there is a vacancy, she would want to see it filled rather than remain open for one year.

Chairperson Field stated that the use of the word “may” could be interpreted towards the context of the unanimous vote.

City Administrator Hagen provided additional context on the language proposed using “may” versus “shall”.

Chairperson Field recognized that this is the language the Council has accepted and asked if the Commission would have the ability to make changes on this to send back to the Council as well.

City Clerk Schmidt confirmed that the Commission could propose changes and send that back to the Council for consideration. She provided additional details on the timing when someone would need to apply for a vacant seat in order to appear on the ballot.

Commissioner Fuhreck again noted that with a requirement for a unanimous vote, it would be highly unlikely that anyone would ever be appointed. He suggested a super majority rather than unanimous vote, explaining that the City Council is elected to make decisions for the residents and if this decision comes before them, they should make it. He stated that although it is not ideal, it is not based in reality to think there would be a candidate that comes forward that would be

unanimously approved by the Council. It was agreed that would eliminate the possibility where one member of the Council could stop an appointment that all the others favor.

Commissioner Deemed suggested using two-thirds rather than a super majority.

Commissioner Leistico noted that the math may not work with six members, as one seat would be vacant.

Commissioner May recalled that during the last meeting there was a desire for staff to survey other communities to determine what they are doing in these situations.

Commissioner Fuhreck agreed that would be worthwhile to investigate.

City Attorney Knaak commented that the current language is under State Statute and this proposal would make it harder to appoint someone than what would be required under State law. He commented that he has seen it done where a Council has been able to agree on a candidate to fill a vacancy that agreed not to run in the next election and simply fill the term.

Commissioner Moore asked if there is agreement with the other language proposed for 4.5.4, as they have only been discussing the unanimous vote concept of 4.5.6.

City Administrator Hagen commented that the only difference is whether there is more or less than a year left in the term, but all other language in the proposed process is the same.

Chairperson Field noted that the unanimous vote language is included in both sections.

Commissioner Fuhreck commented that in hindsight, perhaps it is better to leave things as they read.

Commissioner Leistico stated that she does not like things to be more stringent than the State law.

Chairperson Field noted that is the benefit of being a charter city, is that you can be more stringent if desired as that may better align with the values of your city rather than those of the larger state.

Commissioner Fuhreck stated that he does not support the unanimous vote and would prefer to leave the existing language.

Commissioner Leistico commented that she does like the additional language that was proposed to be added in the beginning but does not like the unanimous vote clause.

Chairperson Field stated that he can see the intention of the Council to have a unanimous vote because that would be as close as they could get to having the person elected but recognized that would most likely not occur.

City Administrator Hagen confirmed that the Council had a strong position that the members of the Council are elected and therefore if all members of the Council supported the appointed person,

that would be as close as they could get to a representation of the population that would vote in an election.

Chairperson Field stated that he does not like the idea of a maverick, in that one person could veto the remainder of the Council.

Commissioner Fuhreck commented that the Commission is not aware of a situation that has occurred when no one has run in a special election, and therefore that is just as an unlikely situation as the Council reaching a unanimous vote for appointment.

Commissioner Moore commented that she would support the use of the word “may” versus “shall” and the other changes with the exception of a unanimous vote requirement, and replacing that with majority.

Commissioner Fuhreck stated that he does find it unlikely that no one would run in a special election, but would support including that language, replacing the unanimous vote requirement with majority and leaving the clause in which would have the mayor break a tie vote.

Chairperson Field stated that he would support the 75 percent threshold or unanimous language rather than the majority because it is an elected seat.

Commissioner Deemer commented that he does not see a problem with the unanimous language although he does not believe that would happen. He commented that perhaps the Council would find a way to find a candidate they all like.

Motion by Commissioner Deemer, seconded by Chairperson Field, to accept the proposed language for Sections 4.5.4 and 4.5.6 as presented from the City Council.

Further discussion: Commissioner Leistico stated that she would not support unanimous as there are so many positions in the world that do not require that level of support. She stated that is an incredibly high bar for a short-term vacancy.

Commissioner Fuhreck commented that it would also set Ramsey apart from the State law and other cities. He commented that he does not see the need or justification behind Ramsey being different than everyone else.

Chairperson Field stated that his position would be to choose what is better, an empty seat for less than a year or to have a seat appointed by a potentially fractured Council.

Commissioner Leistico commented that is for the Council to figure out, as the appointed person would still be working with all members of the Council. She commented that leaving citizens without representation because a Council cannot reach agreement is not desired.

Commissioner Fuhreck stated that it comes down to whether people are more comfortable with a vacancy or appointment.

Commissioner Moore commented that the Council is elected by residents and the residents trust them to make huge decisions every day and this is one decision they may have to make. She does not support leaving a vacancy because of the amount of work that is needed.

Chairperson Field commented that he would see that as motivation for the Council to find a candidate that could be unanimously supported.

Commissioner Deemer commented that the term would be 364 days at the most.

Chairperson Field noted that the appointed person would be listed as an incumbent in the election should they choose to run after that term expires, which could give them a benefit.

A roll call vote was performed:

Commissioner Leistico	nay
Commissioner May	aye
Commissioner Deemer	aye
Commissioner Fuhreck	nay
Chairperson Field	aye
Commissioner Moore	nay
Commissioner Rusert	aye

Motion Carried.

## **7. COMMISSION / STAFF INPUT**

Commissioner Fuhreck noted that he was out of town for the last meeting, and he had intended on participating in the meeting remotely from a private residence but was told that would be a violation of open meeting law. He asked for input from legal counsel.

City Attorney Knaak replied that would depend on the reason. He stated that if the member were ill and that could be documented, they could attend from a private residence. He stated that if illness is not the reason, remote attendance would need to be noticed and participation would need to occur in a location that is available for members of the public to attend. He stated that there have been instances he is aware of where members have attended remotely but extended an invitation to the public to attend from their residence. He was not aware of other people choosing to attend in that location.

Commissioner Fuhreck asked if it would be acceptable to post a sign on the door of the residence that the location is open for public attendance.

City Attorney Knaak noted that would be possible, but the address must be noticed ahead of time.

City Administrator Hagen commented that in his time with the City he noticed that the Charter requires ordinances to be read aloud in their final version unless waived by the Council. He stated that prior to his time, the right to exercise that option is executed quite often. He asked if the

Charter would be open to hearing some of those instances within the Charter he has identified to consider amendment to better match the standard practice. He noted that there are not many instances they have identified, but some of them are simply outdated from the time they were enacted in 1974.

The Commission agreed.

## **8. ADJOURNMENT**

Motion by Commissioner Fuhreck, seconded by Commissioner Deemer, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Fuhreck, Deemer, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

The regular meeting of the Charter Commission adjourned at 7:04 p.m.

Respectfully submitted,

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Katie Schmidt  
City Clerk

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Fritz Knaak  
City Attorney

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

**Charter Commission**

**Meeting Date:** 12/18/2024

**Primary Strategic Plan Initiative:** Not Applicable

**Information**

**Title:**

Elect Chair and Vice Chair for 2024–2025

**Purpose/Background:**

Purpose: To elect a Chair and Vice-Chair for 2024–2025.

Background: Beginning in 2013, the Charter Commission elected to appoint a Chair and Vice-Chair for a two-year period versus one year. Joe Field is the current Chair and Joshua Fuhreck is the current Vice Chair. It is time once again to elect a Chair and Vice Chair to serve for 2024 and 2025. For your information, there is no limit to the terms a chair and vice chair can serve.

**Recommendation:**

N/A

**Outcome/Action:**

Motion to elect Commissioner \_\_\_\_\_ to serve as Chair for the Charter Commission for the years 2024–2025.  
and

Motion to elect Commissioner \_\_\_\_\_ to serve as Vice Chair for the Charter Commission for the years 2024–2025.

**Attachments**

*No file(s) attached.*

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Brian Hagen	Brian Hagen	12/12/2024 12:18 PM
Form Started By: Katie Schmidt		Started On: 11/25/2024 02:08 PM
Final Approval Date: 12/12/2024		

**Charter Commission****Meeting Date:** 12/18/2024**Primary Strategic Plan Initiative:** Enhance City's communication through transparency and accountability.**Information****Title:**

Approve Year End Activity Letter to Chief Judge for Year 2023

**Purpose/Background:**

Purpose: To fulfill the requirement of submitting an annual report to the Chief Judge of the Tenth Judicial District.

Background: In accordance with Minnesota Statutes 410.05, an annual report reflecting the activities of the Charter Commission must be submitted to the Chief Judge of the Tenth Judicial District. Attached to this case is the summary letter for the year 2023 for the Commission's review, comment and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

**Recommendation:**

Approve the year-end annual report letter for 2023 and direct staff to submit such letter to the Chief Judge, as per State Statutes requirements.

**Outcome/Action:**

Motion to approve the year-end annual report letter for 2023 and direct staff to submit such report to The Honorable Elizabeth Strand, Chief Judge of the Tenth Judicial District.

**Attachments**

2023 Year End Activity Letter

**Form Review****Inbox**

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 12/12/2024

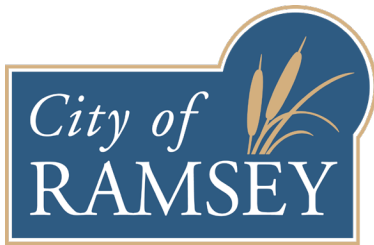
**Reviewed By**

Brian Hagen

**Date**

12/12/2024 12:17 PM

Started On: 11/25/2024 01:00 PM



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December 20, 2024

The Honorable Elizabeth Strand  
Chief Judge Tenth Judicial District  
Wright County District Court  
3700 Braddock Avenue, Room 1100  
Buffalo, MN 55313

**Re: City of Ramsey, Anoka County, Minnesota, Charter Commission Annual Report**

Dear Judge Strand:

In accordance with Minnesota Statutes 410.05, the following is an annual report reflecting the activities of the City of Ramsey Charter Commission during the year 2023.

Members of the Charter Commission for year 2023 were as follows: Jim Bendtsen, Benjamin Deemer, Joseph Field (Chair), Joshua Fuhreck (Vice-Chair), Victor Jumah, Jennifer Leistico, David May, Laura Moore and Amy Rusert.

The Commission fulfilled their requirement of meeting at least once during the year by calling a meeting to order on Wednesday evening, February 2, 2023. The Commission conducted the following business:

1. Introduce New Charter Commission Members
2. Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents.
3. Review Proposed Amendments to Section 4.1 and 4.2 of Chapter 4 of the Charter – Nominations and Elections
4. Continue Review of Amendments to Chapter 4 of the Charter - Nominations and Elections
5. Review Proposed Charter Amendment Brought Forward by Commissioner Bendtsen

The minutes from the February 2, 2023 meeting are attached.

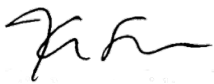
The Commission also met on Wednesday, July 19, 2023. The Commission conducted the following business:

1. Approve Year End Activity Letter to Chief Judge for Year 2022
2. Review Council Supported Options Regarding Chapter 4 of the Charter – Nominations and Elections

The minutes from the July 19, 2023 meeting are attached.

Regards,

On behalf of the Ramsey City Charter Commission

A handwritten signature in black ink, appearing to read 'Katie Schmidt', is positioned above the typed name.

Katie Schmidt, MCMC  
City Clerk

Attachment: Meeting Minutes

**CHARTER COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, February 2, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Joseph Field  
  Commissioner Jim Bendtsen  
  Commissioner Ben Deemer  
  Commissioner Victor Jumah  
  Commissioner Jennifer Leistico  
  Commissioner David May  
  Commissioner Laura Moore  
  Commissioner Amy Rusert

Members Absent:                   Commissioner Joshua Fuhreck

Also Present:                      City Clerk Katie Schmidt  
  City Administrator Brian Hagen  
  City Attorney Fritz Knaak

**CALL TO ORDER**

Chairperson Field called the regular meeting of the Charter Commission to order at 6:00 p.m.

**CITIZEN INPUT**

None.

**APPROVE AGENDA**

Motion by Commissioner Deemer, seconded by Commissioner May, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, May, Bendtsen, Jumah, Leistico, Moore and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

**APPROVE MINUTES**

Commissioner Leistico noted on page two, her vote should be reflected as a nay.

Commissioner Deemer commented that going forward there should not be discussion after a motion to adjourn.

Motion by Commissioner Deemer, seconded by Commissioner Leistico, to approve the following meeting minutes as amended:

- 1) Regular Charter Commission Meeting dated October 26, 2022

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Leistico, Bendtsen, Jumah, May, Moore and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

## **COMMISSION BUSINESS**

### **5.1 Introduce New Charter Commission Members**

Chairperson Field recognized member Susan Anderson, who was a long-time member of the Commission and recently passed away.

Chairperson Field welcomed new Commissioner Jumah.

Commissioner Jumah introduced himself to the Commission.

### **5.2 Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents**

City Administrator Hagen provided an overview of the request to review the ordinance which would amend the City Charter to prohibit membership on City Boards and Commissions of non-city residents.

Chairperson Field stated that typically with amendments, something is amended from existing Charter language, showing strike throughs or additions. He noted that he would prefer that redline version for review.

City Administrator Hagen noted that the difference between the two versions would be the last sentence. He confirmed that the City Council has already passed the ordinance for review by the Charter Commission.

Chairperson Field stated that it seems that it would be a shorter process if the Charter Commission were to propose the amendment to the City Council.

Commissioner Rusert referenced the language regarding future boards or commissions that may be added and asked if the Council could arbitrarily add a group.

City Administrator Hagen commented that the City Charter allows the City Council to create advisory boards and commissions, noting that the Council also appoints members to those boards and commissions. He noted that this amendment would ensure that only Ramsey residents are allowed to serve on boards and commissions.

Commissioner Bendtsen commented that if outside expertise is needed, that could be solicited and did not see the need for a non-Ramsey resident to sit on a board or commission.

Commissioner Leistico agreed noting that the point of the advisory groups is to have residents providing input to the Council.

Commissioner Bendtsen stated that if everyone agrees on the language, it would save time and effort to have the amendment come from the Charter Commission, as the Council could simply adopt the ordinance unanimously to enact the change.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to approve the language amendment for section 2.2 as proposed.

Further discussion: City Attorney Knaak provided more details on the path the Commission could choose with its recommendation that would either require the amendment to be placed on the ballot for the voters or allow the Council to adopt the change with a unanimous vote. Commissioner Moore stated that if everyone agrees with the amended language, she would prefer to choose the option that saves time and money, as that would be most cost-effective. Commissioner Leistico agreed that this change should originate in the Charter and because it is non-controversial she agrees with that path forward.

Commissioner Bendtsen withdrew the motion.

City Administrator Hagen stated that the Commission needs to take action on this tonight and provided clarification on the different paths that could be taken.

City Attorney Knaak stated that under the process, the Council has initiated an ordinance for review by the Commission. He provided additional clarification on the actions the Commission could take.

City Administrator Hagen commented that it seems there is consensus on the amended language.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to table consideration of ordinance #22-26.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Leistico, Jumah, May, Moore and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

Motion by Commissioner Leistico, seconded by Commissioner Moore, to recommend amendment of the City Charter, Section 2.2, to prohibit membership on city boards and commissions of non-city residents.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Moore, Bendtsen, Deemer, Jumah, May, and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

### **5.3 Review Proposed Amendments to Section 4.1 and 4.2 of Chapter 4 of the Charter – Nominations and Elections**

City Clerk Schmidt provided an overview of the proposed amendments to Section 4.1 and 4.2 related to nominations and elections. She noted that once the entire review of Chapter 4 is completed, staff would bring that forward to the City Council.

Motion by Commissioner Deemer, seconded by Commissioner May, to recommend approval the changes proposed for Section 4.1 and 4.2 as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, May, Bendtsen, Jumah, Leistico, Moore and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

### **5.4 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections**

Chairperson Field provided brief background information on the previous considerations to Chapter 4 that the Commission has provided input on thus far. He stated that tonight the focus is on Section 4.5 and noted that staff has provided two options for consideration. He reviewed the options before the Commission and different considerations noted within the staff report.

Commissioner Bendtsen commended the City Clerk for the excellent job in preparation of the staff report and presentation of the information within.

City Clerk Schmidt noted that Section 4.5.5 could be added to any of the options.

Commissioner Moore commented that she prefers option two and believes that 4.5.5 is fine as written.

Commissioner Leistico stated that she also supports option two as it seems to be the most straightforward. She stated that she also supports 4.5.5 as it stands.

Motion by Commissioner Moore, seconded by Commissioner Leistico, to recommend amendment to Chapter 4 of the Charter, selecting Option 2 with the addition of 4.5.5.

Further discussion: Chairperson Field commented that this would seem to shorten the time period and save funds, which are both benefits.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Leistico, Bendtsen, Deemer, Jumah, May, and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

It was clarified that the motion would delete the language shown highlighted in yellow.

City Clerk Schmidt noted that there is still additional review related to part two and 4.5.6.

Chairperson Field noted that it is proposed to remove part two.

City Clerk Schmidt reviewed the possible amendment to 4.5.6.

Motion by Commissioner Moore, seconded by Commissioner Field, to recommend amendment of the City Charter to remove part two of Section 4.5 as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Bendtsen, Deemer, Jumah, Leistico, May, and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

The Commission reviewed the proposed changes for Section 4.5.6.

Motion by Commissioner Leistico, seconded by Commissioner Moore, to recommend amendment of the City Charter Chapter 4, Section 4.5.6 as proposed.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Moore, Bendtsen, Deemer, Jumah, May, and Rusert. Voting No: None. Absent: Commissioner Fuhreck.

## **5.5 Review Proposed Charter Amendment Brought Forward by Commissioner Bendtsen**

Chairperson Field noted that at the last meeting, Commissioner Bendtsen brought forward a request related to franchise fees and suggested an amendment. He reviewed the motion that was made at the last meeting.

Commissioner Bendtsen stated that his intent was to prevent franchise fees from being used for road maintenance.

Commissioner Moore asked how many members would be needed one way or the other for this to move forward.

Chairperson Field commented that a majority of the members would be needed. He recognized that there was controversy over the previous use of franchise fees but noted that could become a shell game of how the funds are ultimately used.

Commissioner Rusert stated that perhaps using the language “the City cannot use a franchise fee” to prevent that situation from occurring, as that would still allow other entities to charge a franchise fee if needed.

Chairperson Field referenced the handbook provided by the League of Minnesota Cities and recommended that the other commissioners read the handbook as well. He noted that in the past when this had been discussed, they had requested a study to be completed.

Commissioner May stated that a franchise fee would provide a city with the opportunity to raise revenue.

Commissioner Leistico commented that she believes that the franchise fee is a tool within the toolbox and did not see the need to limit that. She stated that if someone does not like how their

Councilmember votes related to franchise fees, they can act on that. She noted that the City had a study completed by the University of Minnesota, which provided a lot of information. She recognized that the study requested by the Charter Commission was shorter because of the limited budget available, but also provided information. She commented that it would seem that some people did not like the results of those studies and therefore keep coming back to request more. She asked where this is coming from as she has not been contacted by anyone about franchise fees. She stated that she does not want to keep rehashing this if it is the agenda of just one or two members.

Commissioner Rusert recapped that the franchise fee was enacted and then taken away. She asked if the funds had been misappropriated.

Commissioner Bendtsen commented that the Council used the franchise fee to raise funds because they wanted to spend the property tax funds in other ways.

Chairperson Field stated that the Council has supported and then not supported the use of franchise fees because membership of the Council changed. He stated that franchise fees could be seen as an unregulated income source.

Commissioner Deemer commented that there is a lack of knowledge related to how other communities use their franchise fees.

Commissioner Moore commented that she would not want to take options away from the City Council that could potentially be used. She stated that if people do not support the actions of the Councilmember representing their ward, they can vote as such in the next election.

Commissioner Rusert stated that the franchise fee would seem to be another source of revenue, noting that the City already has sources of revenue and if additional funds are needed perhaps the City should review its spending.

Chairperson Field recognized that the Charter Commission was limited in the amount of funding available for the study completed. He noted that some of his questions were not answered in the study.

Commissioner Deemer commented that the intent of the franchise fee was to complete road projects without assessment, noting that the Council seems to have found a way to do that without the franchise fee. He stated that it would seem pointless because the City has found a way to fund the roads without the franchise fee.

Chairperson Field stated that it has come and gone and could come back again. He believed that there should be some type of regulation on the use of franchise fees but did not believe the Commission had enough information to take action on that.

Commissioner Bendtsen withdrew his previous motion.

Commissioner Moore suggested that the previous studies be provided to the members of the Commission, as she was not a member when this had previously been discussed.

**6. COMMISSION / STAFF INPUT**

No comments.

**7. ADJOURNMENT**

Motion by Commissioner Deemer, seconded by Commissioner Rusert, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Rusert, Bendtsen, Jumah, Leistico, May, and Moore. Voting No: None. Absent: Commissioner Fuhreck.

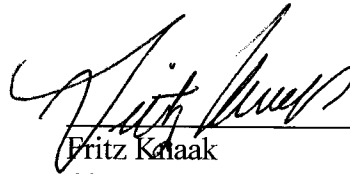
The regular meeting of the Charter Commission adjourned at 8:05 p.m.

Respectfully submitted,



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Katie Schmidt  
City Clerk



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Fritz Kataak  
City Attorney

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

**CHARTER COMMISSION  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, July 19, 2023, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Joseph Field  
  Commissioner Ben Deemer  
  Commissioner Joshua Fuhreck  
  Commissioner Jennifer Leistico  
  Commissioner David May  
  Commissioner Laura Moore  
  Commissioner Amy Rusert

Members Absent:                   Commissioner Jim Bendtsen  
  Commissioner Victor Jumah

Also Present:                       City Clerk Katie Schmidt  
  City Administrator Brian Hagen  
  City Attorney Fritz Knaak

**CALL TO ORDER**

Chairperson Field called the regular meeting of the Charter Commission to order at 6:00 p.m.

**CITIZEN INPUT**

None.

**APPROVE AGENDA**

Motion by Commissioner Deemer, seconded by Commissioner Fuhreck, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

**APPROVE MINUTES**

Motion by Commissioner Leistico, seconded by Commissioner Deemer, to approve the following meeting minutes as presented:

- 1)       Regular Charter Commission Meeting dated February 2, 2023

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Deemer, Fuhreck, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

## **COMMISSION BUSINESS**

### **5.1 Approve Year End Activity Letter to Chief Judge for Year 2022**

Motion by Commissioner Deemer, seconded by Commissioner May, to approve the year-end annual report letter for 2022 and direct staff to submit such report to The Honorable Stoney L. Hiljus, Chief Judge of the Tenth Judicial District.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

### **5.2 Review Council Supported Options Regarding Chapter 4 of the Charter – Nominations and Elections**

City Clerk Schmidt presented the staff report, summarizing the recent actions of the City Council. She stated that the Charter Commission will need to review Sections 4.5.4 and 4.5.6 of Chapter 4 as those changes were not approved by the City Council.

Chairperson Field noted the proposed changes supported by the Council for 4.5.4 and 4.5.6 and welcomed input from the Commission.

Commissioner Leistico commented that the unanimous vote concept seemed to be a common ground between the Council members. She stated that she does not feel very strongly about it but noted that would be a tough bar to pass.

Commissioner Fuhreck agreed that unanimous would be difficult to pass and would like to see something less than that but acknowledged that a close split of the vote would not be ideal for appointing someone to the Council.

Commissioner Deemer provided some historical context on special elections, going back to the 1970s. He commented that the Council does seem to support appointing someone if there is less than one year of the term remaining, which is progress.

Chairperson Field commented that it seems that the Council is willing to accept that there could be a vacancy for the last year if they could not find a candidate that all members of the Council agreed on to appoint. He noted that one member of the Council objecting to the appointment would kill the chance of an appointment.

Commissioner Deemer commented that with seven members on the Council it would not seem to be a huge deal if one seat were vacant.

Commissioner Fuhreck asked what would be needed for a super majority and whether they would be any possibility the Council would agree to that versus a unanimous approval.

City Administrator Hagen stated that as staff reviewed this with the Council, they identified some issues that exist within the current language in the Charter and provided additional context. He stated that the Council felt adamantly that the Council seats should be filled by someone elected by the public, but also recognized that if too many seats become vacant that could impact the ability to conduct business and therefore provided an opportunity to fill the vacant position(s).

Commissioner Leistico referenced the change in language from “shall” to “may” and noted that she would prefer shall versus may.

Commissioner Fuhreck stated that the issue he has is with the ability for the Council to have a unanimous vote in support of a candidate for appointment. He commented that while that is a nice concept, the likelihood of it occurring with this Council, and/or future Councils is highly unlikely and therefore the seat would simply remain vacant for the remainder of that term.

Chairperson Field agreed that the term “may” does appear to be discretionary but recognized that they would not have to.

Commissioner Moore commented that she also appreciates the word “shall” versus “may”.

Chairperson Field used the scenario in which the vacated seat occurs just a short time before the election where it would make more sense to simply go with the election.

Commissioner Moore commented that the City Council meets twice per month in regular meeting and worksession, therefore there is a lot of work to be done in a one-year term. She stated that if there is a vacancy, she would want to see it filled rather than remain open for one year.

Chairperson Field stated that the use of the word “may” could be interpreted towards the context of the unanimous vote.

City Administrator Hagen provided additional context on the language proposed using “may” versus “shall”.

Chairperson Field recognized that this is the language the Council has accepted and asked if the Commission would have the ability to make changes on this to send back to the Council as well.

City Clerk Schmidt confirmed that the Commission could propose changes and send that back to the Council for consideration. She provided additional details on the timing when someone would need to apply for a vacant seat in order to appear on the ballot.

Commissioner Fuhreck again noted that with a requirement for a unanimous vote, it would be highly unlikely that anyone would ever be appointed. He suggested a super majority rather than unanimous vote, explaining that the City Council is elected to make decisions for the residents and if this decision comes before them, they should make it. He stated that although it is not ideal, it is not based in reality to think there would be a candidate that comes forward that would be

unanimously approved by the Council. It was agreed that would eliminate the possibility where one member of the Council could stop an appointment that all the others favor.

Commissioner Deemed suggested using two-thirds rather than a super majority.

Commissioner Leistico noted that the math may not work with six members, as one seat would be vacant.

Commissioner May recalled that during the last meeting there was a desire for staff to survey other communities to determine what they are doing in these situations.

Commissioner Fuhreck agreed that would be worthwhile to investigate.

City Attorney Knaak commented that the current language is under State Statute and this proposal would make it harder to appoint someone than what would be required under State law. He commented that he has seen it done where a Council has been able to agree on a candidate to fill a vacancy that agreed not to run in the next election and simply fill the term.

Commissioner Moore asked if there is agreement with the other language proposed for 4.5.4, as they have only been discussing the unanimous vote concept of 4.5.6.

City Administrator Hagen commented that the only difference is whether there is more or less than a year left in the term, but all other language in the proposed process is the same.

Chairperson Field noted that the unanimous vote language is included in both sections.

Commissioner Fuhreck commented that in hindsight, perhaps it is better to leave things as they read.

Commissioner Leistico stated that she does not like things to be more stringent than the State law.

Chairperson Field noted that is the benefit of being a charter city, is that you can be more stringent if desired as that may better align with the values of your city rather than those of the larger state.

Commissioner Fuhreck stated that he does not support the unanimous vote and would prefer to leave the existing language.

Commissioner Leistico commented that she does like the additional language that was proposed to be added in the beginning but does not like the unanimous vote clause.

Chairperson Field stated that he can see the intention of the Council to have a unanimous vote because that would be as close as they could get to having the person elected but recognized that would most likely not occur.

City Administrator Hagen confirmed that the Council had a strong position that the members of the Council are elected and therefore if all members of the Council supported the appointed person,

that would be as close as they could get to a representation of the population that would vote in an election.

Chairperson Field stated that he does not like the idea of a maverick, in that one person could veto the remainder of the Council.

Commissioner Fuhreck commented that the Commission is not aware of a situation that has occurred when no one has run in a special election, and therefore that is just as an unlikely situation as the Council reaching a unanimous vote for appointment.

Commissioner Moore commented that she would support the use of the word “may” versus “shall” and the other changes with the exception of a unanimous vote requirement, and replacing that with majority.

Commissioner Fuhreck stated that he does find it unlikely that no one would run in a special election, but would support including that language, replacing the unanimous vote requirement with majority and leaving the clause in which would have the mayor break a tie vote.

Chairperson Field stated that he would support the 75 percent threshold or unanimous language rather than the majority because it is an elected seat.

Commissioner Deemer commented that he does not see a problem with the unanimous language although he does not believe that would happen. He commented that perhaps the Council would find a way to find a candidate they all like.

Motion by Commissioner Deemer, seconded by Chairperson Field, to accept the proposed language for Sections 4.5.4 and 4.5.6 as presented from the City Council.

Further discussion: Commissioner Leistico stated that she would not support unanimous as there are so many positions in the world that do not require that level of support. She stated that is an incredibly high bar for a short-term vacancy.

Commissioner Fuhreck commented that it would also set Ramsey apart from the State law and other cities. He commented that he does not see the need or justification behind Ramsey being different than everyone else.

Chairperson Field stated that his position would be to choose what is better, an empty seat for less than a year or to have a seat appointed by a potentially fractured Council.

Commissioner Leistico commented that is for the Council to figure out, as the appointed person would still be working with all members of the Council. She commented that leaving citizens without representation because a Council cannot reach agreement is not desired.

Commissioner Fuhreck stated that it comes down to whether people are more comfortable with a vacancy or appointment.

Commissioner Moore commented that the Council is elected by residents and the residents trust them to make huge decisions every day and this is one decision they may have to make. She does not support leaving a vacancy because of the amount of work that is needed.

Chairperson Field commented that he would see that as motivation for the Council to find a candidate that could be unanimously supported.

Commissioner Deemer commented that the term would be 364 days at the most.

Chairperson Field noted that the appointed person would be listed as an incumbent in the election should they choose to run after that term expires, which could give them a benefit.

A roll call vote was performed:

Commissioner Leistico	nay
Commissioner May	aye
Commissioner Deemer	aye
Commissioner Fuhreck	nay
Chairperson Field	aye
Commissioner Moore	nay
Commissioner Rusert	aye

Motion Carried.

## **7. COMMISSION / STAFF INPUT**

Commissioner Fuhreck noted that he was out of town for the last meeting, and he had intended on participating in the meeting remotely from a private residence but was told that would be a violation of open meeting law. He asked for input from legal counsel.

City Attorney Knaak replied that would depend on the reason. He stated that if the member were ill and that could be documented, they could attend from a private residence. He stated that if illness is not the reason, remote attendance would need to be noticed and participation would need to occur in a location that is available for members of the public to attend. He stated that there have been instances he is aware of where members have attended remotely but extended an invitation to the public to attend from their residence. He was not aware of other people choosing to attend in that location.

Commissioner Fuhreck asked if it would be acceptable to post a sign on the door of the residence that the location is open for public attendance.

City Attorney Knaak noted that would be possible, but the address must be noticed ahead of time.

City Administrator Hagen commented that in his time with the City he noticed that the Charter requires ordinances to be read aloud in their final version unless waived by the Council. He stated that prior to his time, the right to exercise that option is executed quite often. He asked if the

Charter would be open to hearing some of those instances within the Charter he has identified to consider amendment to better match the standard practice. He noted that there are not many instances they have identified, but some of them are simply outdated from the time they were enacted in 1974.

The Commission agreed.

## **8. ADJOURNMENT**

Motion by Commissioner Fuhreck, seconded by Commissioner Deemer, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Fuhreck, Deemer, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioners Bendtsen and Jumah.

The regular meeting of the Charter Commission adjourned at 7:04 p.m.

Respectfully submitted,

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Katie Schmidt  
City Clerk

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Fritz Knaak  
City Attorney

Drafted by Amanda Staple  
*TimeSaver Off Site Secretarial, Inc.*

**Charter Commission****Meeting Date:** 12/18/2024**Primary Strategic Plan Initiative:** Identify and implement operational efficiencies, cost savings and additional funding sources.**Information****Title:**

Ordinance #25-02 Amending the City Charter

**Purpose/Background:**

The purpose of this ordinance amending the City Charter is mainly to propose some housekeeping items, efficiency items that mirror general practices by the City Council and to consider a cost-savings measure related to the newsletter. The proposed ordinance amending the charter, and a full version of the charter with redlined edits are attached to this case for reference. Below is a brief rationale behind each proposed change.

Vacancies to a city council seat currently do not establish a vacancy when a member moves outside their ward but remains in the City of Ramsey. Staff proposes to recognize that a councilmember elected to a ward seat is expected to represent residents who live within their ward. By moving to a new house within Ramsey but in a different ward would not allow this direct representation as a ward resident.

Council meetings and the noticing process is proposed to be updated to mirror state statute and to better clarify the noticing requirement between a normal special council meeting and an emergency meeting.

The process to consider ordinances by council is generally a two month process. Furthermore, there are some unique steps required through the charter that may be outdated as technology has advanced and been implemented into our operations. Staff proposes to eliminate the requirement for a roll call vote on ordinances. The rationale being, a roll call vote may be requested at any time. We have a regular practice of video recording our meetings, which can be viewed by the public on local TV or the internet, and if there is confusion on a voice vote we can clarify the vote to ensure accurate records reflect the vote. A further recommendation is to allow for an ordinance to be placed on the consent agenda for final consideration so long as it was unanimously introduced by the City Council. The rationale behind this is only if the roll call vote requirement is supported, and this allows for more efficient meetings by eliminating redundancy. If council chooses, any consent agenda item may be removed and considered as a separate agenda item. Ordinances are still proposed to go to two city council meetings, with the introduction of the ordinance as a standalone agenda item with a brief presentation by staff outlining the parameters of the ordinance. The last proposal is to eliminate the requirement that the ordinance be read aloud before adoption. The City Council has historically utilized the charter provision to waive that requirement. With technology allowing full agenda packets to be posted to the internet typically six days before the meeting, there is ample opportunity for residents to review the ordinance ahead of time. Furthermore, from the first posting of an agenda with the introduction of an ordinance to final consideration, an ordinance is posted to the internet for approximately three weeks. Lastly, ordinances currently require a 30-day publication period before they become effective. This requirement is also fairly unique, and state statute simply requires publication prior to it becoming effective. Staff proposes to eliminate the 30-day waiting period. An added benefit to the near immediate effective date is that staff can provide direction to residents on the changes without having to delay the enforcement of the changes.

A past fifteen plus year practice related to the budget and levy adoption has been to adopt the budget and levy at the same meeting as the public hearing. The charter requires the adoption to occur at the meeting following the public hearing. Though a public hearing is required by charter and state statute, it is rare that public input is provided that is relevant to the budget and levy. Staff proposes to allow for the final budget and levy to be

adopted at the same meeting as the public hearing. This would not prevent the city council from delaying the adoption to implement public input into the final budget should input be received.

The last area staff has considered proposing a change is related to the city newsletter. The charter requires six newsletters a year at regular intervals. We publish bi-monthly newsletters, with the first being issued in January. The newsletter is mailed to each parcel within the city limits, with extras available at City Hall. The annual budget is approximately \$63,000 for the six newsletters. In addition to the newsletter, staff also prepares two recycling-related newsletters throughout the year that are mailed to every property. Staff considered recommending only electronic versions of the newsletter be produced. However, we recognize that many residents prefer a physical copy. Staff would like input on whether the Charter Commission feels reducing the number of newsletters to four per year would suffice. The newsletters would generally follow the seasons of the year and still allow for important budget information to be published prior to final budget and levy adoption. If the desire is to remain at six per year, no amendment to this section of the charter is required.

**Time Frame/Observations/Alternatives:**

With an amendment proposed by the Charter Commission, the City Council may amend the charter by ordinance. Within one month of receiving a recommendation to amend, the City must publish notice of a public hearing of the proposal. Within one month of the public hearing, the City Council must vote on the proposed charter amendment. If approved unanimously, the ordinance goes into effect 90 days after passage subject to no petition being submitted by voters forcing a referendum.

Alternative 1: Approve the ordinance as presented with direction on the number of newsletters per year.

Alternative 2: Approve the ordinance with desired modifications.

Alternative 3: Provide direction on amendments, but table to a subsequent Charter Commission meeting for further discussion.

Alternative 4: Do nothing, leaving the charter as it is today.

**Recommendation:**

Staff recommends adoption of Ordinance #25-02, with final direction on the number of newsletters each year.

**Outcome/Action:**

Motion to adopt Ordinance #25-02.

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**Attachments**

Ord. #25-02 Charter Amendments  
Full Charter with Proposed Changes

**Form Review**

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	12/12/2024 12:26 PM
Form Started By: Brian Hagen		Started On: 12/12/2024 11:15 AM
Final Approval Date: 12/12/2024		

**ORDINANCE #25-02**

**CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING THE CITY CHARTER OF THE  
CITY OF RAMSEY, MINNESOTA**

The City of Ramsey ordains:

**SECTION 1. AUTHORITY**

This Ordinance is adopted pursuant to the authority of the City Charter of the City of Ramsey and such authority as it is given under Minnesota Statutes Section 410.12, subdivision 7.

**SECTION 2.**

Sec. 2.5. Vacancies of the City of Ramsey Charter is amended to read as follows:

**Sec. 2.5. Vacancies.**

A vacancy in the council, whether it be in the office of mayor or councilmember, shall be deemed to exist in the case of the failure of any person elected thereto to qualify, or by reason of the death, resignation in writing filed with the city clerk, removal from office, non-residence in the city or respective ward, conviction of a felony of any such person after his/her election, or by reason of the failure of any councilmember without good cause to attend council meetings for a period of three consecutive months. In each such case, the council shall publicly declare by resolution, the vacancy to exist within 15 days of its occurrence and such vacancy shall be filled according to the provisions of section 4.5.

**SECTION 3.**

Sec. 3.1. Council meetings. of the City of Ramsey Charter is amended to read as follows:

**Sec. 3.1. Council meetings.**

3.1.1 The council shall meet regularly at least once each month at such times and places as the council may designate by ordinance.

3.1.2 For special meetings, the mayor or any three members of the council may call special meetings of the council upon such reasonable public notices as may be prescribed by council rule in compliance with state statutes.

3.1.3 A state of emergency shall be deemed to exist when the public peace, health, morals, safety or welfare are in immediate jeopardy.

3.1.4 To the extent provided by state statutes, all meetings of the council and its committees shall be public, and any citizen shall have access to the minutes and records of the council at all reasonable times. During any of its public meetings, the council shall not prohibit, but may place reasonable restrictions upon citizens' comments and questions and citizen input shall be provided for at the beginning of each council meeting.

#### **SECTION 4.**

Sec. 3.4 Ordinances, resolution and motions. is amended to read as follows:

##### **Sec. 3.4. Ordinances, resolutions and motions.**

3.4.1 Except as otherwise provided in this Charter or state statutes, an affirmative vote of four or more members of the council shall be required for the adoption of all ordinances, resolutions and motions. The votes of councilmembers on any action taken shall be recorded in accordance with state statutes.

3.4.2 Except as otherwise provided in this Charter, all legislation shall be by ordinance.

3.4.3 The general administrative business of the council shall be conducted by resolution or motion.

#### **SECTION 5**

Sec. 3.5. Procedures on ordinances. is amended to read as follows:

##### **Sec. 3.5. Procedures on ordinances.**

Every proposed ordinance shall be presented in writing. The introduction of an ordinance shall be voted on its own, separate from any other agenda item. An ordinance which receives a unanimous vote on the introduction, may have final consideration made on the consent agenda at a subsequent meeting. No ordinance shall contain more than one subject. Such subject shall be clearly expressed in its title. The enacting clause shall be "The City of Ramsey Ordains." No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final adoption.

#### **SECTION 6**

Sec. 3.7. Signing and publication of ordinances. is amended to read as follows:

##### **Sec. 3.7. Signing and publication of ordinances.**

The ordinance shall be signed by the mayor, attested to by the city clerk, and filed and preserved by the city clerk. Each ordinance, or summary of such ordinance, shall be published at least once in the official newspaper. This summary of each ordinance shall include, in layman's terms, the intent of the ordinance. To the extent and in the manner provided by state statutes, an ordinance may incorporate by reference, a state statute, a state administrative rule or a state regulation, a code, or an ordinance or part thereof, without publishing the material referred to in full.

## **SECTION 7**

Sec. 3.9. When ordinances and resolutions passed by city council take effect. is amended to read as follows:

### **Sec. 3.9. When ordinances and resolutions passed by city council take effect.**

Every resolution and emergency ordinance shall take effect immediately upon its adoption or at such later date as it specifies. Every other ordinance shall take effect upon publication or at such later date as it specifies.

## **SECTION 8**

Sec. 7.6. Council action on budget. Subsection 7.6.1 is amended to read as follows:

7.6.1 The budget public hearing dates, procedures to be followed during the hearing, and publications are established by state statute. However, the actual adoption of the proposed annual budget and the municipal levy may take place at the next regularly scheduled council meeting following the mandated public hearing(s) to ensure that comments received during the public hearing(s) are given due consideration before the final budget and municipal tax levy are adopted. The council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated funds available. The council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department function or program, with such segregation as to objects and purpose of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget, and the city administrator shall certify the tax resolution to the county auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution of the several purposes named.

## **SECTION 9**

Sec. 12.13. A newsletter. is amended to read as follows:

### **Sec. 12.13. A newsletter.**

A newsletter shall be published by the city at regular intervals at least        times each year. The postal role for the city shall be used for the distribution.

## **SECTION 10. SUMMARY**

The following official summary of Ordinance #25-02 has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance:

Ordinance #25-02 amends Chapter 2. Form of Government of the city charter related to council vacancies, Chapter 3. Council Procedures of the city charter related to noticing for meetings and procedures on ordinance adoptions, Chapter 7. Taxation and Finances of the city charter related to budget and levy adoption and Chapter 12. Miscellaneous and Transitory Provisions of the city charter related to the publication of a city newsletter.

**SECTION 11. EFFECTIVE DATE**

This ordinance becomes effective 90 days after its passage and publication as provided by Minnesota Statutes Section 410.12, Subdivision 7, as may be modified by any action undertaken pursuant to City of Ramsey Charter Section 5.

**PASSED** by the City Council of the City of Ramsey, Minnesota, the \_\_\_\_ day of \_\_\_\_, 2025.

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Mayor

**ATTEST:**

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City Clerk

Date Recommended by the Charter Commission:

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

## PART I CHARTER<sup>1</sup>

### CHAPTER 1. NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

#### Sec. 1.1. Name and boundaries.

The City of Ramsey, Anoka County, Minnesota, shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established. The city clerk shall keep in his/her office at least two copies of this Charter with amendments, and shall maintain in each copy an accurate and up-to-date description of the boundaries. The copies of the Charter, amendments and boundary descriptions shall be available for public inspection anytime during regular office hours.

(Ord. of 1-24-2001)

#### Sec. 1.2. 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 this Charter and with the constitutions of this state and of the United States and with the statutes of this state. It is the intention of this Charter to confer upon the city every power which it would have if it were specifically mentioned, unless otherwise provided in this Charter. The Charter shall be construed liberally in favor of the city, and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the council.

#### Sec. 1.3. Charter a public act.

This Charter shall be a public act and need not be pleaded or proved in any case.

### CHAPTER 2. FORM OF GOVERNMENT

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<sup>1</sup>Editor's note(s)—Printed in this part is the city Charter, which Charter was originally adopted on May 22, 1984.

Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same scheme for expression of numbers in text as appears in the Code has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets.

State law reference(s)—City Charters generally, Minn. Stats. ch. 410.

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## Sec. 2.1. Form of government.

The form of government established by this Charter is the "Mayor-Council Plan" as defined by current Minnesota state statutes. Except as otherwise provided by state statutes or this Charter, all powers of the city are vested in the city council.

## Sec. 2.2. Boards and commissions.

There shall be no separate administrative board of health, library board, or any other administrative board or commission except for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions provided for by state statutes. The council may, however, establish or abolish by ordinance boards or commissions to advise the council with respect to any municipal function or activity, or to perform quasi-judicial functions. Notice of initial formation and all vacancies shall be published in the city newsletter and in the legal newspaper. Membership of the economic development authority, environmental policy board, parks and recreation commission, planning commission and any future boards and commissions the city council deems necessary shall not exceed nine members, all members of which shall be residents of the City of Ramsey.

(Ord. No. 23-04, § 2, 3-28-2023)

## Sec. 2.3. Council composition and election.

2.3.1 *Mayor and council.* The council shall be composed of the mayor, elected at large, two councilmembers elected at-large, and four councilmembers, each of whom shall be elected from a separate ward as established or amended pursuant to this Charter. The mayor and councilmembers shall be qualified electors. Each councilmember elected from a ward shall be a resident of the ward, but a change in ward boundaries does not disqualify a councilmember from serving the remainder of a term. Except as hereinafter provided, councilmembers shall serve for a term of four years and until a successor is elected and qualifies. The mayor shall serve for a term of four years and until a successor is elected and qualifies. The elections for the mayor and councilmembers shall be held as provided in subsection 2.3.3.

2.3.2 *Wards.* The city shall be divided into four separate wards. The boundaries of such wards shall be determined by ordinance based upon population as determined by the most recent federal decennial census and shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. An ordinance designating the boundaries of the city's election wards shall be enacted within 60 days after the state legislature has been redistricted or by May 10 in the year ending in two, whichever comes first. The wards shall be designated as ward numbers 1, 2, 3 and 4.

2.3.3 *Transition schedule.*

2.3.3.1 For the 2002 city wide election only:

- (1) Councilmembers elected in the year 2000 shall be assigned to the ward in which he/she resides.
- (2) Councilmembers from ward numbers 1 and 3 shall be elected.
- (3) Two at-large councilmembers shall be elected, with the candidate receiving the highest number of votes serving a four year term and the candidate receiving the second highest number of votes serving a two-year term.

2.3.3.2 For the 2004 city wide election only:

- (1) Councilmembers from ward numbers 2 and 4 shall be elected.

(2) One at-large councilmember shall be elected to serve a four-year term.

(3) A mayor shall be elected.

2.3.3.3 Thereafter and commencing with the city wide election in 2006, there shall be biennial city wide elections with councilmembers from ward numbers 1 and 3 and an at-large councilmember elected, and at the next city wide election councilmembers from ward numbers 2 and 4, an at-large councilmember and a mayor shall be elected.

(Ref. of 11-5-1996; Ref. of 11-6-2001)

#### Sec. 2.4. Incompatible offices.

No member of the council shall hold any paid municipal office or employment through the city other than that to which elected. Further, until one year after the expiration of his/her term, no mayor or councilmember shall be appointed or employed by the city in a compensated position which was created, or the compensation for which was increased, during his/her term as mayor or councilmember.

No member of the council may serve as a member of the City of Ramsey Charter Commission while serving on the council. No member of the Council may serve as a voting member of any other commission or board of the City of Ramsey while he/she remains in office unless such membership is otherwise required by law.

(Ord. No. 22-29, § 2, 1-24-2023, eff. 5-11-2023)

#### Sec. 2.5. Vacancies.

A vacancy in the council, whether it be in the office of mayor or councilmember, shall be deemed to exist in the case of the failure of any person elected thereto to qualify, or by reason of the death, resignation in writing filed with the city clerk, removal from office, non-residence in the city or respective ward, conviction of a felony of any such person after his/her election, or by reason of the failure of any councilmember without good cause to attend council meetings for a period of three consecutive months. In each such case, the council shall publicly declare by resolution, the vacancy to exist within 15 days of its occurrence and such vacancy shall be filled according to the provisions of section 4.5.

(Ord. No. 09-18, § 2, 12-8-2009)

#### Sec. 2.6. The mayor's powers and duties.

2.6.1 The mayor shall preside at meetings of the council and shall have a vote as a member. The mayor shall be recognized as the head of the city government for all ceremonial purposes, by the courts for serving civil process, and by the governor for purposes of martial law, but shall have no administrative duties.

2.6.2 Consistent with the responsibility to accept considerable leadership over the general conduct of city affairs, the mayor shall study the operations of the city government and recommend desirable changes and improvements to the council. The mayor shall also deliver messages to the council and the public, including a comprehensive message on the state of the city, as soon as practicable after the beginning of each year of his/her term of office.

2.6.3 At the first meeting of each year the council shall choose an acting mayor from the councilmembers. He/she shall perform the duties of mayor during the disability or absence of the mayor, or, in the case of vacancy in the office of mayor, until a successor has been appointed and qualifies.

(Ord. of 12-6-2001)

**Commented [BH1]:** Is this accurate that if someone moves out of the ward this must forfeit their seat?

**Commented [FK2R1]:** Yes, I read it that way.

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### Sec. 2.7. Salaries.

The mayor and councilmembers shall receive such compensation as is fixed by the council in accordance with state statutes. Any increases in such compensation shall not become effective until after the next municipal election. Other officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

### Sec. 2.8. Investigation of city affairs.

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

## CHAPTER 3. COUNCIL PROCEDURES

### Sec. 3.1. Council meetings.

~~The council shall meet regularly at least once each month at such times and places as the council may designate by ordinance. The mayor or any three members of the council may call special meetings of the council upon at least 24 hours notice to each member, and such reasonable public notices as may be prescribed by council rule in compliance with state statutes. The 24 hours notice shall not be required in an emergency. A state of emergency shall be deemed to exist when the public peace, health, morals, safety or welfare are in immediate jeopardy. To the extent provided by state statutes, all meetings of the council and its committees shall be public, and any citizen shall have access to the minutes and records of the council at all reasonable times. During any of its public meetings, the council shall not prohibit, but may place reasonable restrictions upon citizens' comments and questions and citizen input shall be provided for at the beginning of each council meeting.~~

3.1.1 The council shall meet regularly at least once each month at such times and places as the council may designate by ordinance.

3.1.2 For special meetings, the mayor or any three members of the council may call special meetings of the council upon such reasonable public notices as may be prescribed by council rule in compliance with state statutes.

3.1.3 A state of emergency shall be deemed to exist when the public peace, health, morals, safety or welfare are in immediate jeopardy.

3.1.4 To the extent provided by state statutes, all meetings of the council and its committees shall be public, and any citizen shall have access to the minutes and records of the council at all reasonable times. During any of its public meetings, the council shall not prohibit, but may place reasonable restrictions upon citizens' comments and questions and citizen input shall be provided for at the beginning of each council meeting.

(Ord. No. 04-47, § 1(Subd. 1), 11-23-2004)

### Sec. 3.2. [Precincts].

3.2.1 [Repealed].

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3.2.2 Precinct boundaries. The precinct boundaries shall correspond to those adopted and revised periodically by council, by resolution.

3.2.3 [Repealed]

(Ord. of 9-8-1993; Ord. of 1-28-2000; Ref. of 11-5-2002; Ord. of 9-8-2003)

### Sec. 3.3. Rules of procedure and quorum.

Except as otherwise provided in this Charter, the council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by rule provide means by which a minority may compel the attendance of absent members in accordance with state statutes.

### Sec. 3.4. Ordinances, resolutions and motions.

3.4.1 Except as otherwise provided in this Charter ~~of or~~ state statutes, an affirmative vote of four or more members of the council shall be required for the adoption of all ordinances, resolutions and motions. The votes of councilmembers on any action taken shall be recorded in accordance with state statutes.

3.4.2 Except as otherwise provided in this Charter, all legislation shall be by ordinance. ~~The vote on all ordinances shall be by a roll call vote.~~

3.4.3 The general administrative business of the council shall be conducted by resolution or motion.

(Ord. No. 04-47, § 1(Subd. 2), 11-23-2004)

Commented [BH3]: Is roll call vote necessary?

Commented [FK4R3]: No, not outside of the City's own requirement or where a member is participating remotely.

### Sec. 3.5. Procedures on ordinances.

Every proposed ordinance shall be presented in writing. The introduction of an ordinance shall be voted on its own, separate from any other agenda item. An ordinance which receives a unanimous vote on the introduction, may have final consideration made on the consent agenda at a subsequent meeting. No ordinance shall contain more than one subject. Such subject shall be clearly expressed in its title. The enacting clause shall be "The City of Ramsey Ordains." No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final adoption.

(Ord. No. 85-09, 9-28-1985)

### Sec. 3.6. Emergency ordinances.

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare, and in such ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of available members of the city council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be adopted finally at the meeting at which it is first introduced and voted upon by the council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been adopted, filed with the city clerk, and either has been posted in three conspicuous places in the city or published as provided for in this Charter, or the person charged with violation thereof had actual notice of the ordinance prior to the act or omission resulting in the prosecution.

(Ord. of 1-24-2001)

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(Supp. No. 13, Update 3)

**Sec. 3.7. Signing and publication of ordinances.**

~~The final version of every ordinance shall be read in full prior to passage by council unless such reading is waived by a majority vote of the council, provided that a copy of the ordinance is posted or otherwise made available to the public at least three working days prior to the meeting at which it is to be adopted.~~ The ordinance shall then be signed by the mayor, attested to by the city clerk, and filed and preserved by the city clerk. Each ordinance, or summary of such ordinance, shall be published at least once in the official newspaper. This summary of each ordinance shall include, in layman's terms, the intent of the ordinance. To the extent and in the manner provided by state statutes, an ordinance may incorporate by reference, a state statute, a state administrative rule or a state regulation, a code, or an ordinance or part thereof, without publishing the material referred to in full. (Ord. of 1-24-2001)

**Commented [BH5]:** The City Council routinely exercises the waiver option. Furthermore, posting agenda packets five days in advance of meetings on the internet allows residents ample opportunity to review the ordinance. This, in conjunction with an introduction of an ordinance provides nearly three weeks of postings.

**Commented [FK6R5]:** Multiple reading is pretty "old school." Not a bad practice, by any means, but not required by any state law.

**Sec. 3.8. Procedure on resolutions.**

Every resolution shall be presented in writing and shall be filed and preserved by the city clerk. (Ord. No. 85-09, 9-28-1985; Ord. of 1-24-2001)

**Sec. 3.9. When ordinances and resolutions passed by city council take effect.**

Every resolution and emergency ordinance shall take effect immediately upon its adoption or at such later date as it specifies. Every other ordinance shall take effect ~~30 days after its upon~~ publication or at such later date as it specifies.

**Commented [BH7]:** What is the purpose of a 30 day waiting period?

**Commented [FK8R7]:** Ample notification of anyone who might be interested or will judicially challenge the ordinance. State law and usual practice elsewhere is that the ordinance is valid upon publication.

**Sec. 3.10. Amendment and repeal of ordinances and resolutions.**

- 3.10.1 An ordinance or resolution which repeals all or part of a previous ordinance or resolution, respectively, shall give the number, if any, in the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone, but an ordinance or resolution which amends such ordinance or resolution, respectively, shall set forth in full each section to be amended and shall indicate by appropriate type or symbols, matter to be omitted or added. Amendment or repeal of an ordinance or resolution shall require a majority vote of all members of the council, unless otherwise provided in this Charter or by state statutes.
- 3.10.2 Repeal of initiative ordinances. An ordinance passed under the initiative power shall not be repealed or amended by the council except by submission to the voters of the question by the council at a regular municipal or special election.

**Sec. 3.11. Review and revision of ordinances and indexing of resolutions.**

The city shall review, revise and rearrange its ordinance code and its resolution index with such additions and deletions as may be deemed necessary by the council at least once every two years. The ordinance code and the resolution index may be published in a book, pamphlet or 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 for a reasonable charge. Incorporation in such a code shall be a sufficient publication of any ordinance provision not previously published, if a notice is placed in the official newspaper for at least two successive weeks that copies of the codification are available at the office of the city clerk. (Ord. of 1-24-2001)

## CHAPTER 4. NOMINATIONS AND ELECTIONS

### Sec. 4.1. The regular municipal election.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year, at such places as the city council shall designate. At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in the city clerk's office, on the city website and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first Monday in January following such election.

4.1.1 *Primary elections.* The regular primary election shall be held on the same date as prescribed by Minnesota Election Law, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election. If two candidates or fewer file for any elective office, that office shall not appear on the primary ballot and the candidates shall appear on the municipal general election ballot as the nominees for that office.

(Ord. of 1-24-2001; Ref. of 11-6-2001; Ord. No. 10-08, § 1, 5-4-2010; Ord. No. 23-05, § 2, 4-25-2023)

### Sec. 4.2. Filing for office.

All persons who shall desire to be elected to any elected office shall file an affidavit not more than 84 days nor less than 70 days before the primary election with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance or filing a nominating petition. The clerk shall also accept an application for candidacy as authorized by state law.

The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.

The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office shall be rotated in the manner provided by state law. Consistent with state law, the ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.

A sample ballot or a facsimile representation of the ballot shall be posted in the city clerk's office and published in the official newspaper of the city at least two weeks before such election by the city clerk, whose duty it is to preserve such sample ballots.

4.2.1. [Repealed].

(Ord. of 11-14-1994; Ref. of 1-24-2001; Ref. of 11-6-2001; Ord. No. 23-05, § 2, 4-25-2023)

### Sec. 4.3. Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state statutes on elections shall apply to municipal elections.

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**Sec. 4.4. Special and advisory elections except for elected office.**

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

(Ord. of 1-24-2001; Ord. No. 23-05, § 2, 4-25-2023)

**Sec. 4.5. Vacancy of municipal elected office.**

4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall occur on the date established by the city council per Minn. Stats. § 205.10, as the same may be revised, amended or recodified, to elect a successor to serve for the remainder of the unexpired term of the office vacated.

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

4.5.4 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs the council may, by unanimous vote of all current members of the city council, appoint a successor to serve until a successor elected at a special election held pursuant to this section is qualified. If a subsequent attempt to hold a special election would occur in the fourth year of the vacant term, no special election would be held. The council may appoint a successor according to section 4.5.6 of this Charter.

4.5.5 If two or fewer candidates file an affidavit of candidacy, the special primary election shall be canceled and the special general election may be moved up to the primary date with council approval. If this option is utilized, it must be noted on the resolution calling for a special election.

4.5.6 In the case of a vacancy where there remains less than 365 days in the unexpired term, the council may, by unanimous vote of all current members of the city council, appoint a successor to serve for the remainder of said term.

(Ord. of 1-24-2001; Ord. No. 04-47, § 1(Subd. 3), 11-23-2004; Ord. No. 09-18, § 2, 12-8-2009; Ord. No. 23-05, § 2, 4-25-2023; Ord. No. 23-08, § 2, 9-26-2023)

**CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL**

**Sec. 5.1. Powers reserved by the people.**

The people of the City of Ramsey reserve to themselves the powers in accordance with the provisions of this Charter to initiate and adopt ordinances, to require ordinances passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

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## **Sec. 5.2. General provisions for petitions.**

5.2.1 *Petition for initiative and referendum.* A petition for initiative and referendum provided for under this chapter shall be sponsored by a committee of five registered voters of the city whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each separately circulated paper shall contain at its head, or attached thereto, the information specified in section 5.5 or 5.7 which apply, respectively, to initiative, and referendum. Each signer shall be a registered voter of the city and shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate by the circulator, verified by oath, that each signature appended thereto was made in his/her presence that the circulator believes them to be the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city and registered to vote. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the city clerk before said city clerk advises the council of the sufficiency of the petition.

5.2.2 *Petition for recall of a ward councilmember.* A petition for recall of a councilmember elected from a separate ward shall be sponsored by a committee of five registered voters whose name and addresses shall appear on the petition and who reside within the ward represented by the councilmember. A petition may consist of one or more papers, but each separately circulated paper shall contain at its head, or attached thereto, the information specified in section 5.8 which applies to recall. Each signer shall be a registered voter of the ward represented by the councilmember subject to the recall and each signer shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate by the circulator, verified by oath, that each signature appended thereto was made in his/her presence and that the circulator believes them to be the genuine signature of the person whose name it purports to be. The person making the certificate shall be a registered voter of the ward represented by the councilmember subject to the recall. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the clerk-administrator before said clerk-administrator advises the council of the sufficiency of the petition.

(Ord. of 1-24-2001; Ord. No. 04-47, § 1(Subd. 4), 11-23-2004)

## **Sec. 5.3. Determination of sufficiency.**

The committee shall file the completed petition in the office of the city clerk. The required number of signatures for initiative and referendum shall be at least 20 percent of the total number of registered voters at the time of the last city-wide election. The required number of signatures for recall of the mayor or a councilmember elected at large shall be at least 20 percent of the total number of registered voters in the city at the time of the last city-wide election. The required number of signatures for recall of a councilmember elected from a ward shall be at least 20 percent of the total number of registered voters in the ward represented by the councilmember subject to the recall at the time of the last city-wide election. Immediately upon receipt of the petition, the clerk-administrator shall examine the petition as to its sufficiency and report to the council within ten days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

(Ord. of 1-24-2001; Ord. No. 04-47, § 1(Subd. 5), 11-23-2004)

## **Sec. 5.4. Disposition of insufficient or irregular petition.**

If the council determines that the petition is insufficient or irregular, as defined in sections 5.3 and 5.2 respectively, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 30 days in which to file additional signature papers and/or to correct the petition in all other particulars, except that, in the case of a petition for recall, the committee may not

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change the statement of the grounds on which the recall is sought. Within five days of receipt of the corrected petition, the city clerk shall again report to the council. If the council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in his/her office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the subject matter of the petition to the voters at the next regular or special election.

(Ord. of 1-24-2001)

### **Sec. 5.5. Initiative.**

Any ordinance may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the council passes the proposed ordinance with amendments, and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the city clerk within ten days of its passage by the council, the ordinance need not be submitted to the voters. If the council fails to enact the ordinance in a form acceptable to the majority of the sponsoring committee within 60 days after the final determination of sufficiency of the petition, the ordinance as originally proposed shall be placed on the ballot at the next election occurring in the city. If no election is to occur within 120 days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period.

(Ord. of 1-24-2001)

### **Sec. 5.6. Initiative to amend the Charter.**

Nothing in this Charter shall be construed in any way as affecting the right of the electors to propose amendments to this Charter.

(Ref. of 12-6-2001)

### **Sec. 5.7. Referendum.**

Prior to the date an ordinance takes effect, it may be subjected to referendum by a petition which shall state at the head of each page, or attached thereto, the exact text of the ordinance to be considered by the voters. If the petition is found to be sufficient under the provisions of section 5.3 of this chapter, the said ordinance shall thereby be prevented from going into operation, and the subject matter of the petition shall be placed on the ballot at the next election occurring in the city. If no election is to occur within 120 days after the filing of the petition, the council shall call a special election to be held within such period, providing the petition has been found to be sufficient. If a majority of the voters voting thereon vote for the ordinance contained in the petition, it shall take effect immediately upon certification of the election results by the council.

### **Sec. 5.8. Recall.**

Consideration by the electorate of the recall of any elected officer of the city may be initiated by petition. The petition shall state at the head of each page, or attached thereto, a certificate stating the name of the officer whose removal is sought, the grounds for recall, which shall be malfeasance, misfeasance or nonfeasance in office, is not more than 250 words, and the intention of the sponsoring committee to bring about the officer's recall. Such petition shall be filed in the city clerk's office prior to circulation. If the petition or amended petition is found sufficient under the provisions of section 5.3 of this chapter, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall, at its next meeting, by resolution, provide for the holding of a special recall

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election within ninety days after such meeting, the council may, in its discretion provide for the holding of the recall vote at that time. If the special recall election involves a councilmember elected from a separate ward, the special recall election shall be conducted only within the ward of such councilmember. If the special recall election involves the mayor or a councilmember who is elected at large, the election shall be a city-wide election. The city clerk shall include with the published notice of the election the statement of the grounds for the recall and, also, in not more than 500 words, the answer of the officer concerned in justification of his/her course of office. If a vacancy occurs due to recall election, section 4.5 shall apply to fill such vacancy.

(Ord. of 1-24-2001; Ord. No. 04-47, § 1(Subd. 6), 11-23-2004)

### **Sec. 5.9. Majority voter turnout.**

No ballot question considered at a general or special election pursuant to Charter sections 5.5 Initiative, 5.7 Referendum or 5.8 Recall shall be deemed approved by the voters unless at the election:

1. A majority of the registered voters at the time of the last citywide election vote on the ballot question; and
2. A majority of the persons voting, vote in favor of the ballot questions.

## **CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS**

### **Sec. 6.1. Administrative responsibility.**

The council, as a body, shall be responsible for the administration of the city. The council shall appoint an administrative officer to assist in the administration of city affairs. For purposes of reference in this Charter, this administrative officer shall be referred to as the city administrator.

(Ord. of 1-24-2001)

### **Sec. 6.2. Administrative organization.**

- 6.2.1 The council may by ordinance establish city departments, offices and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.
- 6.2.2 The city council shall by resolution hire or remove heads of departments, and such other future officers and personnel as may be required to operate the city efficiently. The council shall determine the qualifications thereof and prescribe the duties to be performed by each, except as otherwise prescribed in this Charter.
- 6.2.3 The heads of departments and other officers designated by the council shall report in person to the council and to the public at least once each quarter at a regularly scheduled council meeting.

### **Sec. 6.3. Duties of the city administrator.**

The city administrator shall be the chief administrative officer for the council. The council shall establish by resolution, the powers duties and reporting requirements of the city administrator.

(Ord. of 1-24-2001)

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**Sec. 6.4. Purchases and contracts.**

All purchases shall be made and all contracts let by the council. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. All contracts, bonds and instruments of any kind to which the city is a party shall be signed by the mayor and the city administrator on behalf of the city and shall be executed in the name of the city. The council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

(Ord. of 1-24-2001)

**Sec. 6.5. Subordinate officers.**

There shall be a city clerk and such other officers subordinate to the city administrator as the city council may create by ordinance. The city clerk, subject to the direction of the city administrator, shall keep the public records, and shall have other duties as the city administrator shall prescribe. In addition, the city clerk shall have other powers and duties imposed by state law, this Charter, city ordinance and city resolution. The Council may by ordinance abolish offices which have been created by ordinance, and may by resolution, abolish offices which have been created by resolution. It may combine the duties of various offices as it may see fit.

(Ord. of 1-24-2001)

**CHAPTER 7. TAXATION AND FINANCES**

**Sec. 7.1. Council to control finances.**

The council shall have full authority over the financial affairs of the city except as limited or prohibited by the state constitution, state laws, or this Charter. It shall provide for the collection of all revenues and other assets, and the auditing and settlement of accounts. It shall further provide for the safekeeping and disbursement of public moneys.

(Ord. of 3-25-1994)

**Sec. 7.2. Fiscal year.**

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

(Ord. of 3-25-1994)

**Sec. 7.3. System of taxation.**

Subject to the state constitution, and except as forbidden by it, or by state statutes, 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 state statutes imposing restriction upon the city, irrespective of Charter provisions.

(Ord. of 3-25-1994)

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#### **Sec. 7.4. Submission of budget.**

- 7.4.1 Annually, the city administrator shall submit to the council the budget recommendations in accordance with a budget calendar to be established by resolution. The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as required by state statutes or this Charter, shall be in such form as the council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state statutes and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by state statutes. The Annual Financial Statement shall be in such form as state statutes, this Charter or the council may prescribe.
- 7.4.2 For each utility operated by the city, its budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each utility giving income and expenditure information shall be included or attached as appendices.

(Ord. of 3-25-1994; Ord. of 1-24-2001)

#### **Sec. 7.5. Long-term financial plan.**

- 7.5.1 The city council shall have prepared a long-term financial plan of at least five years. This information shall be revised and extended each year. The city council shall hold an annual public hearing on the long-term financial plan and adopt it by resolution with or without amendment. The financial plan, at minimum, shall consist of three elements as specified in sections 7.5.2 through 7.5.4 which follow.
- 7.5.2 The public service program. The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the city. It shall measure the objectives and needs for each city department, the standard of services desired, and the impact of each such service on the annual operating budget.
- 7.5.3 The capital improvement program. This program shall consist of projects and facilities that are or will be needed by the city in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; the priority of each anticipated improvement; cost estimate, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process.
- 7.5.4 Five year financial forecast. This forecast shall detail the estimated revenue and expenditures necessary to carry out the public service and capital improvement programs as described in sections 7.5.2 and 7.5.3. In addition, the forecast will identify financing sources and uses, cash flow projections, and financial policies that impact or exercise control over revenues and expenditures.
- 7.5.5 A summary of the long-term financial plan shall be published in the city newsletter annually.

(Ord. of 3-25-1994)

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### Sec. 7.6. Council action on budget.

- 7.6.1 The budget public hearing dates, procedures to be followed during the hearing~~;~~ and publications are established by state statute. However, the actual adoption of the proposed annual budget and the municipal levy ~~shall~~ may take place at the next regularly~~;~~ scheduled council meeting following the mandated public hearing(s) to ensure that comments received during the public hearing(s) are given due consideration before the final budget and municipal tax levy are adopted. The council may revise the proposed~~d~~ budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated funds available. The council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department function or program, with such segregation as to objects and purpose of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget, and the city administrator shall certify the tax resolution to the county auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution of the several purposes named.
- 7.6.2 At least two weeks before the proposed budget is adopted, for the ensuing fiscal year, a summary of the proposed budget and municipal levy increases and decreases shall be given in the city newsletter. Such summary shall be set forth in language designed to be readily understood by the layperson, and shall provide appropriate supporting information as to the necessity for any increases. Failure to provide the specified summary will not invalidate the budget. A summary of the adopted final budget shall be printed in the city newsletter as soon as is practical after the adoption.

(Ord. of 3-25-1994; Ord. of 1-24-2001)

### Sec. 7.7. Enforcement of the budget.

- 7.7.1 The city council shall enforce the provisions of the budget. It shall approve and authorize payments of bills, at each regularly scheduled council meeting, that have been presented for payment, supported by an itemized bill, payroll time sheet, or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness. Bills that are of an ongoing operating nature, have been appropriated in the budget, and been approved by the responsible city officer, may be paid prior to regular council meetings to avoid late penalties or to take advantage of available discounts. Other payments may occur in the event it is unreasonable or untimely to obtain council approval for funding an emergency or unforeseen expenditure which is necessary for the routine operation of the city as directed by council in a purchasing policy which shall be adopted by ordinance.
- 7.7.2 Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget resolution, or for any amount in excess of the amount authorized, shall be a personal obligation upon the person incurring the obligation and such person will be subject to appropriate disciplinary or criminal action. No check shall be issued or transfer made to any account other than one owned by the city until the claim to which it relates has been supported by an itemized bill, payroll, time sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

(Ord. of 3-25-1994)

### Sec. 7.8. Alterations to the budget.

After the budget resolution has been adopted, the council shall not increase the amounts fixed in the resolution beyond the estimated funds available except to the extent that actual receipts exceed the estimated funds available. At anytime, the council may, by resolution approved by a four-fifths vote of its members, reduce

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the sums appropriated for any purpose by the budget resolution, or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

(Ord. of 3-25-1994)

### **Sec. 7.9. Funds.**

There shall be maintained in the city treasury a general fund and such other funds as may be required by state statutes, resolution or ordinance. The council shall, by resolution or ordinance, create and abolish funds and shall define which funds are eligible for interfund loans as it may deem necessary and appropriate.

(Ord. of 3-25-1994)

### **Sec. 7.10. City indebtedness.**

7.10.1 Except as provided in sections 7.11 and 7.12, no obligation shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with state statutes and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or state statutes, no such obligation shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

7.10.2 A description of each such proposed issue shall be published in the city newsletter, but failure to publish such description, or any defect in the description, shall not invalidate the issue. However, corrections shall be published at the earliest practical time.

(Ord. of 3-25-1994)

### **Sec. 7.11. Tax anticipation certificates.**

At any time after January 1, the council may issue tax anticipation certificates in anticipation of state and federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed 90 percent of the total state and federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine, but they shall become due no later than April 1 of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued, and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

(Ord. of 3-25-1994)

### **Sec. 7.12. Emergency debt certificates.**

7.12.1 If in any year, the receipt from taxes or other sources should, for some unforeseen cause, become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the council may by ordinance issue on such terms and in such manner as the council determines, emergency debt certificates to run not in excess of three years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing the issue of the emergency debt certificates shall state the nature of the emergency and be approved by at least four members of the council. It may be passed by emergency

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ordinance as defined in section 3.6 except that the ordinance shall be enacted by a four-fifths vote of the council.

7.12.2 A description of each such proposed certificate shall be published in the city newsletter, but failure to publish such description, or any defect in the description, shall not invalidate the certificate. However, corrections shall be published at the earliest practical time.

(Ord. of 3-25-1994)

## **CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

### **Sec. 8.1. Power to make improvements and levy assessments.**

The city may make any type of local improvement not forbidden by law and levy special assessments to pay all or part of the cost of such local improvements. The total of the assessments for any local improvement may not exceed the cost of the local improvement, plus all costs and expenses connected therewith, including interest. No assessment shall exceed the benefit to the property assessed as measured by the increase in the market value of the property assessed as a result of the local improvement.

(Ord. of 1-25-1993)

### **Sec. 8.2. Application of Charter.**

All local improvement projects shall be carried out exclusively under the provisions of this Charter. The term "local improvement" as used in this section shall mean a public improvement financed partly or wholly from special assessments.

(Ord. of 1-25-1993)

### **Sec. 8.3. Assessments for services.**

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

(Ord. of 1-25-1993)

### **Sec. 8.4. Local improvement procedure.**

When the city undertakes any local improvement to which the state local improvement code, Minn. Stats. chapter 429 applies, it shall comply with the provisions of that law, except as modified below. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

8.4.1 *Sixty-day waiting period.* A period of 60 days shall elapse after the conclusion of the public hearing required by law to precede the ordering of the construction of a local improvement project (the "public hearing") before the actual ordering of the local improvement by the council and the council entering into a contract for the local improvement construction.

8.4.2 *Percentage of owners required.* When the local improvement has been petitioned for by the owners of not less than 50 percent in frontage of the real property abutting on streets named in the petition as

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the location of the local improvement the resolution ordering the local improvement by the council may be approved by vote of a majority of all members of the council. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council.

- 8.4.3 *Petition against the local improvement.* A proposed local improvement may be initiated by petition of the owners of real property abutting on the streets named in the petition. If, within 30 days of the conclusion of the public hearing, a petition against such local improvement is filed with the city administrator which petition is signed by a percentage of the owners of real property abutting on the streets named in the initiating petition as the location of the improvement which percentage is greater than the percentage of owners of real property who signed the initiating petition, the council shall not make such local improvement at the expense of the abutting property owners. For purposes of the foregoing sentence, "owners of real property" shall not include owners of properties zoned for commercial or industrial uses or owners of properties zoned residential greater than ten acres in size based on zoning classifications in effect at the date of such petition, or owners of non-homestead real property greater than one acre in size.
- 8.4.4 *Counter petition in favor of the improvement.* If within 30 days of the filing with the city administrator of a petition against the local improvement as described in section 8.4.3 above, there is filed with the city administrator a petition in favor of the local improvement, signed by owners of real property abutting on the streets named in the initiating petition as the location of the improvement, in a percentage greater than the percent of owners of real property who signed the petition against the local improvement, then in such event the council may disregard the petition against the local improvement and proceed with the local improvement.
- 8.4.5 *Petition against council initiated improvement.* If the local improvement was initiated by council resolution without an initiating petition and, within 60 days of the conclusion of the public hearing, a petition is filed with the city administrator against such local improvement and which petition is signed by 60 percent or more of the owners of real property proposed to be assessed for and benefited by the local improvement, the council shall not make such local improvement at the expense of the benefited property owners. For purposes of the foregoing sentence, "owners of real property" shall not include owners of properties zoned for commercial or industrial uses or owners of properties zoned residential greater than ten acres in size based on zoning classifications in effect at the date of such petition, or owners of non-homestead real property greater than one acre in size.
- 8.4.6 *Withdrawal of name from petition.* Any person whose name appears on a petition to the council in favor of a local improvement, or on a petition to the council filed against a local improvement, may withdraw his/her name by a statement in writing filed with the city administrator before such petition is presented to the council or in person at a city council meeting before the city council accepts said petition.
- 8.4.7 *Filing of petition with city council.* All completed petitions filed with the city administrator as described herein shall be presented to the council by the city administrator at the council's next regularly scheduled meeting.
- 8.4.8 *One year before any further action.* When a proposed local improvement is disallowed pursuant to the petition process described in the foregoing sections, the council shall not vote on the same improvement within a period of one year after the public hearing on said improvement.

(Ord. of 1-25-1993; Ord. No. 06-22, § 2, 7-5-2006; Ord. No. 12-08, § 2, 6-26-2012; Ord. No. 14-07, § 2, 8-11-2014)

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**Sec. 8.5. Computation of time.**

Where the performance or doing of any act or matter is required by this Charter, and the period of time is prescribed and fixed by this Charter, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period of time. When the last day of the period falls on a Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation.

(Ord. of 1-25-1993)

**Sec. 8.6. Sewer and water projects.**

This section applies to any local improvement project completed after January 1, 1996, which includes extending urban services (sewer and/or water) to an existing home or neighborhood.

8.6.1 *Connection policy.* The city may not compel any property owner with a functional private sewer and water system to connect to city sewer and/or water.

8.6.2 *Assessment policy.* The city may not levy an assessment for any component of any project which includes sewer and/or water improvements against a property whose owner elects to remain on a functional private sewer and/or water system.

8.6.3 *Request for urban services.* Property owners who remain on private sewer and water systems after urban services become available may request connection to urban services at any time. Upon connection to urban services an assessment may be levied provided it is consistent with the original assessment.

(Ref. of 5-20-1996; Ord. of 1-24-2001)

**CHAPTER 9. EMINENT DOMAIN**

**Sec. 9.1. Acquisition of property.**

The city may acquire by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the city for any public purpose. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minnesota Statutes, chapter 117 [Minn. Stats. ch. 117], or other applicable laws.

**CHAPTER 10. FRANCHISES**

**Sec. 10.1. [Required.]**

Except as otherwise provided by state statutes, 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. No exclusive franchise shall be granted unless the proposed ordinance is submitted to the voters of the city following a public hearing and approved by at least a majority of those voting thereon. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the city clerk to guarantee publication before the ordinance is passed.

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(Ord. of 1-24-2001)

**Sec. 10.2. Term.**

No perpetual franchise or privilege shall be created, nor shall any exclusive franchise or privilege be granted for a period of more than 25 years.

**Sec. 10.3. Public hearing.**

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the city newsletter and in the official newspaper not less than ten days prior to the date of the hearing. Failure to publish said notice or any defect in said notice shall not invalidate the notice. However, correction(s) must be published at the earliest practical time.

**Sec. 10.4. Power of regulation reserved.**

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

**Sec. 10.5. Renewals or extensions.**

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

**CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES**

**Sec. 11.1. Acquisition and operation of utilities.**

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

**Sec. 11.2. Rates and finances.**

The council may, by ordinance, fix rates, fares and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. The council shall make each municipal utility financially self sustaining. Before any rates, fares or prices for municipal utilities shall be fixed by the council, the council shall hold a public hearing on the matter in accordance with section 11.6 of this chapter. The council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

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**Sec. 11.3. Purchase in bulk.**

The council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix. Before such rates are fixed by the council, the council shall hold a public hearing on the matter in accordance with section 11.6 of this chapter.

**Sec. 11.4. Lease of plant.**

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

**Sec. 11.5. Public utility.**

How sold. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall be embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election. Before such ordinance is submitted to a vote, the council shall hold a public hearing on the matter in accordance with section 11.6 of this chapter.

**Sec. 11.6. Notice of public hearing.**

Notice of public hearing required by this chapter shall be published at least once in the official newspaper and in the city newsletter at least ten days prior to the date of the hearing. Failure to publish said notice or any defect in said notice shall not invalidate the notice. However, the correction(s) must be published at the earliest practical time.

**CHAPTER 12. MISCELLANEOUS AND TRANSITORY PROVISIONS**

**Sec. 12.1. Official publication.**

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 state statutes and this Charter to be so published, as well as such other matters as the council may deem it in the public interest to have published in this manner.

**Sec. 12.2. Oath of office.**

Every officer of the city shall, before entering upon the duties of his/her office, take and subscribe an oath of office in substantially the following form: "I do solemnly 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, councilmember, city administrator, etc.) of the City of Ramsey to the best of my judgment and ability".

(Ord. of 1-24-2001)

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**Sec. 12.3. City officers not to be interested in contracts.**

Except as otherwise permitted by state statutes, 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.

**Sec. 12.4. Official bonds.**

The city administrator and other such officers or employees of the city as may be provided for by ordinance shall each, before entering upon the duties of his/her respective office or employment, give a corporate surety bond to the city in such form and such amount as may be fixed by the council as security for the faithful performance of his/her official duties. This corporate surety bond may be in the form of either individual or blanket bonds at the discretion of the council. They shall be approved by the council, and approved as to form by the city attorney, and filed with the city administrator. The premiums on the bonds shall be paid by the city.

(Ord. of 1-24-2001)

**Sec. 12.5. Sales of real property.**

No real property of the city, with the exception of cemetery plots, 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.

**Sec. 12.6. Vacation of streets.**

The council may by ordinance vacate any street or alley or other public grounds or part thereof within the city. Such vacation may be made only after published notice in the official newspaper and an opportunity for affected property owner 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 procedure shall be filed in accordance with state statutes.

**Sec. 12.7. 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 Ramsey operating under home rule charters, and not inconsistent with the provisions of this Charter, or the ordinances of this city, shall apply to the City of Ramsey, and shall be construed as supplementary to the provision of this Charter.

**Sec. 12.8. City to succeed to rights and obligations of former city.**

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

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**Sec. 12.9. Existing ordinances and resolutions continued.**

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

**Sec. 12.10. Officers to continue for present terms.**

All elective and appointive officers of the city holding office on the effective date of this Charter shall continue in office for the terms to which they were elected or appointed, and until their successors shall have been elected or appointed and have qualified.

**Sec. 12.11. Pending condemnations and assessments.**

Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the state statutes under which such proceeding was begun. All assessments made by the municipality 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.

**Sec. 12.12. Ordinances to make Charter effective.**

The council shall by ordinance, resolution, or other appropriate action make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

**Sec. 12.13. A newsletter.**

A newsletter shall be published by the city at regular intervals at least six times each year. The postal role for the city shall be used for the distribution.

**Sec. 12.14. [Effective date.]**

This Charter becomes effective 30 days after adoption.

**CHAPTER 13. POLICE DEPARTMENT**

**Sec. 13.1. Department created.**

The existing police department for the city shall forthwith be established as permanent and shall consist of a chief of police, and such other officers and members as may be provided for by the council.

(Ord. of 12-13-1988)

**Sec. 13.2. Appointments.**

The chief of police shall be appointed by the council. All other appointments to or promotions within the department shall be made as provided by law.

(Ord. of 12-13-1988)

**Commented [BH9]:** Question for the Charter Commission:  
Do we need 6 newsletters plus 2 recycling newsletters? The annual budget is \$63,000 for six Ramsey Resident Newsletters. The recycler is funded through Anoka County Grant Funds.

**Commented [BH10]:** Question for Fritz, newsletter is not defined. Could one argue that we can count the 2 recycling newsletters as 2 of the 6 required by Charter?

**Commented [FK11R10]:** If it's not defined, then the definition would be the City's usual and ordinary practice. If you use the recycling newsletters for topics other than just recycling, it should fit the bill if you want it to.

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**Sec. 13.3. Rank.**

The chief of police shall be the head of the department and have supervision over all officers and members thereof.

(Ord. of 12-13-1988)

**Sec. 13.4. Duties of chief.**

The chief of police shall keep such records and make such reports concerning the activities of his/her department as may be required by statute or by the city council. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief of police.

(Ord. of 12-13-1988)

**Sec. 13.5. Duties.**

It shall be the duty of the officers of the police department to see to the enforcement of all of the ordinances of the city and all statutes applicable therein, and to preserve order and prevent infractions of the law and arrest violators thereof.

(Ord. of 12-13-1988)

**Sec. 13.6. Conduct of members.**

It shall be the duty of every member and officer of the police department to conduct himself or herself in a proper and law abiding manner at all times. Each member and officer of the department shall obey the orders and directions of his/her superior.

(Ord. of 12-13-1988)

**Sec. 13.7. Rules and regulations.**

The chief of the police department may make or prescribe such rules and regulations as he/she shall deem advisable, such rules, when approved by the council, shall be binding on such officers and members. Such rules and regulations may cover, besides the conduct of the officers and members, uniforms and equipment to be worn or carried, hours of service, vacation, and all other similar matters necessary or desirable for the efficiency of the department.

(Ord. of 12-13-1988)

**Sec. 13.8. Equal opportunity.**

In making appointments to the police department, no person shall be deprived of an opportunity to serve on the police department because of race, religion, skin color, national origin or sex. No arbitrary rules on height, weight, or achievement of strength unrelated to job needs shall be imposed. No handicapped person shall be denied, merely by virtue of being handicapped, appointment to a position on the police department which the handicapped person is competent to fill.

(Ord. of 12-13-1988)

## CHAPTER 15. ADOPTION OF COMPREHENSIVE MUNICIPAL PLAN

### Sec. 15.1. Comprehensive plan.

Minnesota Statutes, chapter 462 [Minn. Stats. ch. 462] requires that the city prepare and adopt a comprehensive municipal plan which plan is defined as a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs. The comprehensive plan represents the city's planning agency's recommendations for the future development of the city.

- 15.1.1 *Adoption of comprehensive plan.* The city council may by resolution by a majority vote of all its members adopt and amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance.

(Ref. of 11-6-2001)

## CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location amendments to the Charter. The Charter was originally adopted on May 22, 1984.

Ordinance Number	Date	Section	Section this Charter
85-09	9-28-1985		3.5
	12-13-1988(Ord.)		13.1—13.8
	1-25-1993(Ord.)		8.1—8.5
	9- 8-1993(Ord.)		3.2
	3-25-1994(Ord.)		7.1—7.12
	11-14-1994(Ord.)		4.2
	5-20-1996(Ref.)		8.6
	11- 5-1996(Ref.)		2.3
	1-28-2000(Ord.)		3.2
	1-24-2001(Ord.)		1.1
			3.6—3.8
			3.11
			4.1, 4.2
			4.4, 4.5
			5.2—5.5
			5.8
			6.1
			6.3—6.5
			7.4
			7.6
			8.6
			10.1
			12.2

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PART I - CHARTER  
CHARTER COMPARATIVE TABLE ORDINANCES

			12.4
	11- 6-2001(Ord.)		2.3 4.1, 4.2 15.1
	12- 6-2001(Ord.)		2.6
	12- 6-2001(Ref.)		5.6
	11- 5-2002(Ref.)		3.2
	9- 8-2003(Ord.)		3.2
04-47	11-23-2004	1(Subd. 1)	3.1
		1(Subd. 2)	3.4.1
		1(Subd. 3)	4.5
		1(Subd. 4)	5.2
		1(Subd. 5)	5.3
		1(Subd. 6)	5.8
	9-28-2005		3.8
06-22	7- 5-2006	2	8.4
09-18	12- 8-2009	2	2.5
			4.5.5
10-08	5- 4-2010	1	4.1.1
12-08	6-26-2012	2 Added	8.4.2
		Rnbd	8.4.2—8.4.7
		as	8.4.3—8.4.8
14-07	8-11-2014	2	8.4.5
22-29	1-24-2023	2	2.4
23-04	3-28-2023	2	2.2
23-05	4-25-2023	2	4.1, 4.2, 4.4, 4.5
23-08	9-26-2023	2	4.5