

# **CITY CHARTER**

CITY OF CRYSTAL, MINNESOTA

ORIGINALLY ADOPTED ON  
AUGUST 23, 1960

REVISED AND AMENDED BY ORDINANCE NO. 89-3

JUNE 1, 1989

Amended by Ordinance No. 90-22 (Effective February 1, 1991)

Amended by Ordinance No. 91-3 (Effective March 28, 1991)

Amended by Ordinance No. 93-4 (Effective May 12, 1993)

Amended by Ordinance No. 95-10 (Effective September 7, 1995)

Amended by Ordinance No.98-4 (Effective November 24, 1998)

Editorial Changes Made April 1, 2002

Amended by Ordinance No. 2002-07 (Effective November 14, 2002)

Amended by Ordinance No. 2004-8 (Effective, December 29, 2005)

Amended by Ordinance No. 2006-02 (Effective, May 17, 2006)

Amended by Ordinance No. 2009-03 (Effective, September 25, 2009)

Amended by Ordinance No. 2010-06 (Effective, November 12, 2010)

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**Chapter 1**  
**GENERAL PROVISIONS**

Section 1.01. **Name and Boundaries.** The City of Crystal is and will continue to be a municipal corporation with the boundaries existing on June 1, 1989, or as later modified by law.

Section 1.02. **Powers.** The city has all powers that it is now or hereafter possible for a municipal corporation in the State of Minnesota to exercise in harmony with the constitution of the State of Minnesota and of the United States. It is the intention of this charter that every power that the people of the city might lawfully confer upon themselves as a municipal corporation by specific enumeration in this charter is deemed to have been so conferred by this section. This charter is to be construed liberally in favor of the city, and the specific mention of particular powers in this charter is not to be construed as limiting in any way the generality of the powers conferred by this section.

Section 1.03. **Charter a Public Act.** This charter is a public act and need not be pleaded or proved in any case.

**CHAPTER 2**  
**FORM OF GOVERNMENT**

Section 2.01. **Council Manager Plan**. The form of government established by this charter is the Council Manager Plan. The council exercises the legislative power of the city and determines matters of policy. The city manager is responsible to the council for the proper administration of city affairs.

Section 2.02. **Boards and Commissions**. There are no separate administrative boards or commissions except boards and commissions established for the administration of a municipal function jointly with another political subdivision. The council performs the duties and exercises the powers of administrative boards or commissions. The council may by ordinance establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions. (Amended, Ordinance No. 90-22, February 1, 1991)

Section 2.03. **Councilmembers: Qualifications and Terms**. Subdivision 1. The council is composed of a mayor and six council members who must be eligible voters of the city and must further qualify for office as provided in this charter.

Subd. 2. The mayor and councilmembers may hold another compatible public office.

Subd. 3. The mayor and councilmembers must be residents of the city. The resident councilmembers must satisfy the residence requirements of section 2.04.

Subd. 4. The mayor is elected at large. A ward resident councilmember is elected by the eligible voters of the ward in which the councilmember resides. A section resident councilmember is elected by the eligible voters of the section in which the councilmember resides.

Subd. 5. The mayor and councilmembers are elected on the date, in the years and for the terms specified by ordinance adopted by the council in accordance with law. They serve until their successors are elected and qualify for office. (Amended, Ordinance No. 98-4, November 24, 1998)

Subd. 6. (Repealed, Ordinance No. 98-4, November 24, 1998)

Section 2.04. **Resident Councilmembers**. Four of the councilmembers must be ward resident councilmembers and are qualified as follows: one councilmember must be, at the time of filing for election or appointment, a resident of the First Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Second Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Third Ward; one councilmember must be, at the time of filing for election or appointment, a resident of the Fourth Ward. Two councilmembers must be section resident councilmembers and qualify as follows: one councilmember must be, at the time of filing for election or appointment, a resident of

Section One, consisting of Wards One and Two; and one councilmember must be, at the time of filing for election or appointment, a resident of Section Two, consisting of Wards Three and Four. Thereafter, continued residence in the ward or section in which the councilmember resided at the time of election or appointment is a required qualification to continue to hold office during the councilmember's term. (Amended, Ord. No. 2009-03, September 25, 2009)

Section 2.05. **Wards**. The city is divided into four wards. Review of the wards must be made by the council and the wards reapportioned in the manner provided by law. Reapportionment is by ordinance. A change in ward boundaries does not disqualify a councilmember from serving the remainder of a term. The wards of the city are those described by ordinance. (Amended, Ordinance No. 93-4, May 12, 1993; Ordinance No. 98-4, November 24, 1998; Ord. No. 2002-07, August 5, 2002)

Section 2.06. **Incompatible City Offices**. A member of the council may not be appointed city manager. A member of the council may not be a city officer or be employed by the city for pay. A member of the council may not, for a period of one year after expiration of the member's term of office, be a city officer or be employed by the city for pay.

Section 2.07. **Council Vacancies**. A vacancy in the office of mayor or councilmember exists for the following reasons:

- (a) failure of a person elected thereto to qualify on or before the date of the second regular meeting of the council in the year subsequent to the election;
- (b) death of the member;
- (c) resignation of the member;
- (d) the member ceasing to be a resident of the city or of the ward or section from which elected;
- (e) continuous absence from the city for more than three months;
- (f) conviction of the member of a felony either before or after qualification for office;
- (g) failure of the member without good cause to perform the duties of office for a period of three months;
- (h) removal of the person from office; or
- (i) any reason specified by law.

When a vacancy occurs the council must by resolution declare the vacancy to exist and forthwith appoint an eligible person to fill the office until the next regular municipal election when the office is filled for the unexpired term. If a vacancy occurs and exists in an elective office after the last day for filing affidavits of candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term. (Amended, Ordinance No. 93-4, May 12, 1993)

Section 2.08. **The Mayor**. The mayor is the presiding officer of the council. The council must choose from its members a mayor pro tem who holds office at the pleasure of the council and serves as mayor in the mayor's disability or absence from the city or when a vacancy in the office of mayor exists. The mayor:

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

In time of public danger or emergency the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.09. **Salaries**. The salaries of the mayor and councilmembers are fixed by ordinance in the manner provided by law.

Section 2.10. **Investigation of City Affairs**. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, may make investigations into the city's affairs, subpoena witnesses, administer oaths, and compel the production of books and papers. The council may provide for an examination or audit of the accounts of any officer or department of the city government. The council may conduct surveys or research studies of subjects of municipal concern.

Section 2.11. **Interferences with Administration**. Neither the council nor any member of the council may dictate appointment of a person to an office or employment by the city manager. The council may not interfere with the city manager or prevent the city manager from exercising judgment in the appointment of officers and employees in the administrative service. Except for purposes of inquiry the council and its members must deal with and control the administrative service solely through the city manager. Neither the council nor any member of the council may give orders, publicly or privately, to a subordinate of the city manager.



### **CHAPTER 3** **COUNCIL PROCEDURE**

Section 3.01. **Council Meetings.** At the first regularly scheduled council meeting in January following a regular city election, the newly elected members of the council assume their duties. The council meets at such time each month as prescribed by ordinance or resolution, but not less frequently than once each month. The mayor or three councilmembers may call a special meeting of the council upon reasonable notice to councilmembers and such other notice as required by law. Meetings of the council are public meetings. Any person may inspect the minutes and records of the meetings at reasonable times and in accordance with law. (Amended, Ordinance No. 93-4, May 12, 1993.)

Section 3.02. **Council Officers.** The council may choose the officers and employees it finds necessary to serve at its meetings. The council must appoint a secretary of the council. The secretary must keep a journal of council proceedings and perform the duties required by this charter and ordinance. The council may designate any officer or employee of the city except the city manager, the mayor or a councilmember as secretary.

Section 3.03. **Rules of Procedure and Quorum.** The council determines its own rules and order of business. A majority of all members elected is a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. **Ordinances, Resolutions and Motions.** Legislation must be enacted by ordinance. The "yes" and "no" votes on ordinances, resolutions and motions must be recorded unless the vote is unanimous. Except as otherwise provided by this charter or law an affirmative vote of a majority of all the members of the council is required for the passage of ordinances and resolutions.

Section 3.05. **Procedure on Ordinances.** The enacting clause of an ordinance is "The City of Crystal ordains:". An ordinance must be presented in writing. Except as provided in section 3.06, an ordinance may not be adopted at the meeting during which it is introduced. At least 14 days must elapse between the introduction of an ordinance and its final passage.

Section 3.06. **Emergency Ordinances.** An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in the preamble to the ordinance. No prosecution may be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the city clerk and posted in three conspicuous places in the city or until the ordinance has been published unless the person charged with violation of the ordinance had actual notice of the passage of the ordinance prior to the act or omission constituting the alleged violation.

Section 3.07. **Procedure on Resolutions.** A resolution must be presented in writing and read in full before a vote is taken unless the reading of a resolution is dispensed with by unanimous consent of the council.

Section 3.08. **Signing and Publication of Ordinances and Resolutions.** An ordinance or resolution passed by the council must be signed by the mayor, or by two councilmembers, attested by the city clerk and filed and preserved by the city clerk. An ordinance must be published once in the official newspaper of the city.

Section 3.09. **When Ordinances and Resolutions Take Effect.** Resolutions and emergency ordinances are effective immediately upon passage or at a later date stated in the ordinance or resolution. Any other ordinance is effective 30 days after publication of the ordinance or a later date stated in the ordinance. An ordinance adopted by the voters of the city under chapter 5 is effective upon its adoption or at a later time stated in the ordinance.

Section 3.10. **Amendment and Repeal of Ordinances and Resolutions.** An ordinance or resolution repealing a prior ordinance or resolution or section, subdivision or separately identified clause thereof must state the number, or if no number has been assigned, the title of the ordinance or resolution to be repealed in whole or in part. An ordinance or resolution or section, subdivision or clause thereof may not be amended by reference to the title only. The amending ordinance or resolution must set forth in full each section, subdivision or clause to be amended and indicate new matter by underscoring and matter to be omitted by striking out. In newspaper publication, the same indication of omitted and new matter must be used but italics or bold-faced type may be substituted for underscoring and stricken matter may be printed in capital letters within parentheses.

Section 3.11. **Revision and Codification of Ordinances.** The council may, pursuant to this section and law, revise, rearrange, and codify the ordinances of the city with the additions and deletions found necessary by the council. The ordinance code may be prepared in book, pamphlet or continuously revised loose leaf form. Copies of the code must be kept available at the office of the city clerk for general distribution to the public free or at a reasonable charge. Preparation of the code is sufficient publication of an ordinance provision not previously published if a notice is published in the official newspaper for two successive weeks stating that copies of the code are available at the office of the city clerk.

Section 3.12. **Summary Publication of Ordinances.** The city council may by ordinance adopt procedures for the publication of ordinances in summary form. A summary of an ordinance must contain a general statement of the purpose and effect of the ordinance. (Added, Ordinance No. 98-4, November 24, 1998)

**CHAPTER 4**  
**NOMINATIONS AND ELECTIONS**

Section 4.01. **General Election Laws to Apply.** Except as otherwise provided in this chapter the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary, special and general elections apply to city elections. The council may by ordinance adopt suitable and necessary regulations for the conduct of elections.

Section 4.02. **Regular City Elections.** A regular city election is held on the first Tuesday after the first Monday in November of the year in which an election is to be held. The election is held at the place or places designated by resolution of the city council. At least 15 days' notice of the election must be given by the city clerk. The notice must state the time and places of holding the election, the officers to be elected, and the questions, if any, to be voted on. The notice must be posted in at least one public place in the ward or wards where the election is held. The notice must be published at least once in the official newspaper of the city. Failure to give notice of the election does not invalidate the election.

Section 4.03. **Primary Election.** If the names of three or more persons have been filed as candidates for a ward or section election, or for any citywide office, the council must provide by resolution for a primary election to be held citywide or in the ward or section. The primary election is held on a date as required by Minnesota Statutes, 204B.35, subd. 4 and 204B.39, as amended. Notice of the primary election is given in the same manner as provided in section 4.02 for regular elections. Failure to give notice of the primary election does not invalidate the election. (Amended, Ord. 2010-06)

Section 4.04. **Special Elections.** The council may by resolution order a special election as provided by law and establish the procedures for holding the election. Notice of the election in substantially the form required by section 4.02 must be published once in each of three consecutive weeks in the official newspaper. The procedure at a special election must conform as nearly as possible to that prescribed by this charter and law for other city elections.

Section 4.05. **Judges of Election.** At least 25 days before a city election the council must appoint eligible voters as election judges for each precinct in the manner provided by law.

Section 4.06. (Repealed, Ord. 2004-8)

Section 4.07. (Repealed, Ord. 2004-8)

Section 4.08. **Withdrawal of Candidate.** A person nominated as a candidate pursuant to this chapter may withdraw as a candidate by filing an affidavit of withdrawal with the city clerk by 5:00 p.m. no later than two days after the last day for filing. The name of a candidate who has withdrawn may not be printed on the election ballot if a withdrawal reduces the number of candidates to less than two, other nominations for the office may be filed not later than 70 days prior to the election. (Amended, Ord. 2010-06)

Section 4.09. **Canvass of Elections and Taking Office.** The council must (a) meet and canvass the election returns at the times and in the manner provided by law, (b) declare the results of the election as soon as possible, and (c) file a statement of the results of the election with the city clerk. The statement must be made part of the minutes of the council meeting. The statement must include: (a) the total number of valid ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate or question, with a declaration of those who are elected and questions approved or disapproved; (d) a true copy of the ballots used; (e) the names of the judges of election; and (f) such other information as the council finds necessary. The city clerk must promptly notify persons elected of their election. The persons elected take office at the time provided in section 3.01 upon taking, subscribing to and filing with the city clerk the oath of office required by law and this charter. (Amended, Ordinance No. 98-4, November 24, 1998)

Section 4.10. **Filing Fees.** The City Council may, by ordinance, determine a filing fee for candidate filings for election for the positions of mayor and councilmember. (Added, Ord. 2010-06)

**CHAPTER 5**  
**INITIATIVE AND REFERENDUM**

Section 5.01. **Powers Reserved by the People**. The people of the city reserve to themselves the power, in accordance with the provisions of this charter (a) to initiate and adopt ordinances, except ordinances appropriating money or authorizing the levy of taxes, and (b) to require ordinances, except ordinances appropriating money or authorizing the levy of taxes, enacted by the council to be referred to the voters of the city for approval. These powers are the initiative and referendum, respectively.

Section 5.02. **Expenditures by Petitioners**. Members of initiative and referendum committees, circulators of petition signature papers described in this charter and signers of such papers, or any other person may not accept or offer a reward of any nature for service rendered in connection with the circulation of a petition. A committee may incur reasonable and necessary expenses for stationery, copying, printing and notary fees. Violation of this section is a misdemeanor.

Section 5.03. **Initiative**. The initiative is governed by sections 5.03 through 5.08. Five eligible voters may form a committee to initiate an ordinance. Prior to circulating a petition the committee must file a certified copy of the initiated ordinance with the city clerk with a list of the names and addresses of the members of the committee. A certified copy of the initiated ordinance must be attached to each of the signature papers together with the names and addresses of the members of the committee.

Section 5.04. **Forms**. The initiative petition consists of the initiated ordinance and signature papers attached. The petition is not complete unless signed by a number of eligible voters equal to at least five percent of the number of registered voters registered in the city on the date of the regular city election immediately preceding the filing of the petition. The signatures attached to a petition need not be appended to one paper, but to each separate paper there must be attached an affidavit of the circulator of the paper stating (a) the number of signers of each paper, (b) that each signature on the paper was made in the presence of the circulator, and (c) that the signature on the paper is the signature of the person whose name it purports to be. The form of the initiative petition is fixed as follows:

INITIATIVE PETITION

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Signed: \_\_\_\_\_

Subscribed and sworn to be me this \_\_\_\_\_ day of \_\_\_\_\_, (Year).

(Seal)

\_\_\_\_\_  
Notary

Section 5.05. **Filing of Petition: Duties of Clerk.** The signature papers and the petition are filed as one instrument with the city clerk. No later than five days after the filing of the petition the clerk must determine if the petition complies with this chapter. If the clerk determines that the petition does not comply with this chapter, the clerk must promptly notify in writing one or more of the initiative committee of that fact in a notice stating the reasons for the determination of non-compliance. During the 30 days following the clerk's notice the committee may file additional signature papers or otherwise amend the petition to comply with this chapter. If upon examination of an amended petition the clerk determines that the petition does not comply with this chapter, the clerk must file the petition and notify each member of the initiative committee of that fact. After the final determination of non-compliance by the clerk a new petition proposing the same or a similar ordinance may be submitted in accordance with this chapter and the council may submit the proposed ordinance to the voters at a regular or special election.

Section 5.06. **Council Action on Petition.** If the petition is in compliance with this chapter the clerk must certify that fact together with the petition to the council at its next regular meeting or at a special meeting called to consider the petition. The council must consider the ordinance at the meeting and provide for a prompt public hearing on the ordinance. The council must act on the ordinance as prescribed in this section within 65 days after certification of the petition by the clerk. If the council does not enact the ordinance, the ordinance must be submitted to the voters at the next regular city election. If the number of signers of the petition is equal to at least ten percent of the number of registered voters in the city on the date of the regular city election immediately prior to the date of filing of the petition, the council must submit the ordinance to the voters at a special election. The special election must be held (a) not less than 30 days before nor more than 45 days after the date of final action on the ordinance by the council or (b) no later than 65 days after the date of certification of the petition to the council when there has been no final action on the ordinance by the council. If a regular city election is to occur within three months, the council may submit the ordinance to the voters at that regular election. If the council enacts the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with the amended ordinance by a statement to that effect filed with the city clerk no later than ten days after enactment of the ordinance, the ordinance need not be submitted to the voters.

Section 5.07. **Ballots.** The ballot at an election on an ordinance initiated under this chapter must state the substance of the ordinance and contain appropriate instructions for the voters to indicate "yes" or "no" on the question of its adoption. If approved by a majority of the voters the ordinance is effective as provided in section 3.09. Any number of initiated ordinances may be voted on at the same election, but the voters must be permitted to vote for or against each ordinance separately.

Section 5.08. **Amendment and Repeal.** During the one year period following its effective date an ordinance adopted by the vote of the people may be repealed or amended only by a vote of the people.

Section 5.09. **The Referendum.** The referendum is governed by sections 5.09 and 5.10. If prior to the effective date of an ordinance, a petition signed by eligible voters equal to at least five percent of the number of registered voters in the city on the date of the regular city election immediately preceding the filing of the petition is filed with the city clerk requesting that the ordinance be repealed or submitted to the voters, the ordinance is not effective. The council must at its next regular meeting either repeal the ordinance or re-affirm the ordinance as enacted. If the ordinance is re-affirmed by the council, the council may order a special election on the ordinance or submit the ordinance to the voters at the next regular municipal election. If a majority of the voters vote against the ordinance it is not effective. If a majority of the voters vote in favor of the ordinance it is effective as provided in section 3.09.

Section 5.10. **Referendum Petition.** The requirements of sections 5.03 and 5.04 for the formation of committees for the initiative and the form of petitions and signature papers apply with necessary modifications to the referendum. The form of a referendum ballot must conform to the requirements of section 5.07. The form of a referendum signature paper is fixed as follows:

**REFERENDUM PETITION**

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

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned eligible voters, understanding the nature of the ordinance attached and believing it to be detrimental to the welfare of the city, petition the council for its submission to the voters for their approval or disapproval.

Signed \_\_\_\_\_

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ (Year).  
(Seal)

\_\_\_\_\_  
Notary



**CHAPTER 6**  
**ADMINISTRATION OF CITY**

Section 6.01. **City Manager.** Subdivision 1. The city manager is the chief administrative officer of the city. The manager is appointed by the city council solely on the basis of training, experience, and executive and administrative qualifications. With the approval of the council, the manager may designate some properly qualified person to perform the duties of the manager during the absence or disability of the manager or while the office is vacant.

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

Section 6.02. **Manager: Powers and Duties.** Subdivision 1. The manager is responsible to the council for the administration of the city's affairs. The manager has the powers and duties specified in this section.

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

Subd. 3. The manager appoints on the basis of merit and fitness, officers and employees of the city except the city attorney who is appointed and removed by the city council. The manager may remove or suspend officers and employees of the city without the consent of the council. (Amended, Ordinance No. 90-22, February 1, 1991)

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

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

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

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

Subd. 8. The manager performs the other duties prescribed by law, this charter or by the council.

Section 6.03. **Departments**. The council may create departments, divisions and other units of the city administration consistent with this charter and law.

Section 6.04. **Officers**. The officers of the city are the city clerk and the other officers subordinate to the city manager created by the council by ordinance or resolution. The clerk is responsible for the keeping of city records, and, under the direction of the manager, the general administration of the city's affairs. The council may by ordinance abolish offices that have been created by ordinance and combine the duties of various offices.

Section 6.05. **Purchases and Contracts**. The manager is the chief purchasing agent of the city. Purchases and contracts may be made by the manager when the amount of the purchase or contract does not exceed \$25,000 unless a lower limit is provided by the council by resolution. Other purchases and contracts are made by the council on recommendation of the manager. Except for contracts which the manager is authorized to make by this section, contracts, bonds, and instruments to which the city is a party must be signed by the mayor and the manager on behalf of the city. (Amended, Ordinance No. 93-4, May 12, 1993; Ordinance No. 98-4, November 24, 1998; Ordinance No. 2009-03, September 25, 2009)

Section 6.06. **Contracts: Bids**. City contracts must be made in compliance with law. When competitive bids are submitted the contract must be awarded to the lowest responsible bidder. The council may by ordinance adopt additional regulations for making city contracts.

Section 6.07. **Employee Review Board**. The city council must by ordinance establish a review board to hear and rule on non-organized employee grievances as defined by the ordinance after normal grievance procedures have been completed. The membership, terms, qualifications, powers, duties and procedures of the review board must be fixed by the ordinance. Members of the board are recommended by the manager and appointed by the city council. (Amended, Ordinance No. 91-3, March 28, 1991)

**CHAPTER 7**  
**TAXATION AND FINANCE**

Section 7.01. **Council Controls Finances.** The council is responsible for the financial affairs of the city. The council must provide for the collection and protection of revenues and other assets and the auditing and settlement of accounts.

Section 7.02. **Fiscal Year.** The fiscal year of the city is the calendar year.

Section 7.03. **System of Taxation.** Subject to the state constitution, and except as forbidden by it or law the council may provide by ordinance for a system of local taxation. In the taxation of real and personal property the council must conform as nearly as possible to law in the assessment of property and the collection of taxes.

Section 7.04. **Preparation of Budget.** The manager must prepare an annual budget and submit it to the council. The budget must include all funds of the city except utility funds, special assessment funds, and construction funds, but the budget may include those funds at the discretion of the council. The estimated revenues and expenditures for each fund must be shown for each department of the city. The manager must submit with the budget explanatory statements deemed necessary. The budget must show comparative figures for the current fiscal year, actual and estimated, and for the preceding fiscal year. (Amended, Ordinance No. 98-4, November 24, 1998)

Section 7.05. **Adoption of Budget.** Subdivision 1. The budget is the principal item of business at the first regular meeting of the council in September and at subsequent meetings until the budget is adopted. Notice that the budget will be considered by the council at the first meeting in September must be published twice in the official newspaper with the second publication not less than three days prior to the meeting. The notice must state that copies of the proposed budget are available for public inspection in the office of the city clerk and that the public will be heard at the meeting.

Subd. 2. The consideration of the budget and public hearing must be conducted so as to give citizens an opportunity to be heard. The manager must review the budget in the detail requested by the council. The adopted budget must set forth in detail the financial plan of the city for the ensuing fiscal year. The sum appropriated by the budget may not exceed the estimated revenues to fund the expenditures.

Subd. 3. The council must by a budget resolution adopt the budget no later than the first week of October. The members of the council voting in favor of the budget resolution must sign the budget.

Subd. 4. The budget resolution must levy sufficient taxes to provide adequate revenues for the budgeted expenditures in the next ensuing fiscal year. The budget resolution must be certified to the county auditor in accordance with law.

Subd. 5. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution.

Subd. 6. If a different schedule and procedure for the adoption of the budget is specified by law, that schedule and procedure must be followed. (Added, Ordinance No. 93-4, May 12, 1993.)

Section 7.06. **Enforcement of Budget.** The manager must enforce the budget. The manager may not approve an expenditure unless funds for that expenditure are appropriated by the budget. The manager may not approve an expenditure authorized by the budget unless there is a sufficient unexpended balance in the appropriation after deducting prior expenditures from and current encumbrances against the appropriation. An officer or employee of the city may not place an order or make a purchase for the city unless the order or purchase is authorized in the budget. An obligation incurred by an officer or employee for a purpose not authorized in the budget or for an amount in excess of the amount appropriated in the budget is the personal obligation of the person incurring the obligation.

Section 7.07. **Alterations in Budget.** The council may not increase the amounts appropriated in the budget resolution beyond the estimated revenues, except to the extent that actual receipts exceed the estimated revenues. The council may by resolution reduce an appropriation in the budget. The council may by a vote of at least five members authorize the transfer of sums from unencumbered appropriations in the budget to other purposes.

Section 7.08. **Emergency Appropriations.** The council may include an emergency appropriation in the budget not exceeding ten percent of the budget. A transfer from the emergency appropriation to another appropriation may be made by resolution approved by a vote of at least five members of the council. Amounts transferred from the emergency appropriation may be used only for the emergency purposes designated by the council resolution.

Section 7.09. **Disbursements.** Disbursements of city funds are made in accordance with procedures specified in a resolution of the city council. A disbursement must specify the fund from which it is to be made. A disbursement may not be made unless the claim to which it relates has been documented by an itemized bill, payroll, time sheet or other document approved and signed by a responsible city officer who vouches for its correctness and reasonableness. The manager must note on a contract requiring the payment of city funds the particular fund from which the contract is to be paid. The council must adopt further regulations for the safekeeping and disbursement of city funds. (Amended, Ord. No. 2002-07, August 5, 2002)

Section 7.10. **Funds.** There must be maintained in the city treasury a general fund and the funds required by law, ordinance, the budget resolution or other resolution. The council may make inter-fund loans except from trust or agency funds.

Section 7.11. **Accounting**. The city manager is the chief accounting officer of the city. The manager must keep the council informed of the financial status of the city. The manager must provide for an annual audit of the city's finances by either the state auditor or a firm of certified public accountants. A summary of the audit must be published once in the official newspaper.

Section 7.12. **Debt**. Except as provided in section 7.13, no obligations may be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limits prescribed by law.

Section 7.13. **Tax Anticipation Certificates**. At any time after January 1st following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for a fiscal year with interest thereon until maturity may not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. The certificates (a) are issued on such terms and conditions as the council determines, (b) bear interest at no more than the lawful rate, and (c) are due and payable no later than the 1st day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the city must be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

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

Section 8.01. **Powers.** The city may make any type of public improvement not forbidden by law and may levy special assessments against benefited property to pay all or a portion of the cost of a local improvement. The special assessments for a local improvement may equal the cost of the improvement but may not exceed the special benefit to the property assessed.

Section 8.02. **Current Services.** In addition to the provisions of law the council may provide by ordinance that the cost of city services to streets, sidewalks or other public or private property, may be assessed against the property served and collected in the same manner as special assessments.

Section 8.03. **Unpaid Utility Charges.** The council may provide by ordinance for the special assessment of unpaid charges, including related administrative charges, late charges and interest thereon, for water, sewer, storm sewer, waste recycling and similar utility services to public and private property in the same manner and subject to the same limitations that similar unpaid charges may be specially assessed by law. This authority is in addition to other methods of collecting such charges provided by law. (Added, Ordinance No. 95-10, September 7, 1995)

**CHAPTER 9**  
**EMINENT DOMAIN**

Section 9.01. **Acquisition of Property.** The city may acquire by purchase, gift, condemnation or otherwise, property within or without its boundaries that may be needed by the city for a public purpose. In acquiring property by the power of eminent domain the city must proceed in accordance with law.

**CHAPTER 10**  
**FRANCHISES AND PUBLIC UTILITIES**

Section 10.01. **Franchise Required.** Except as otherwise provided by law, no person, firm, or corporation may place or maintain a permanent or semi-permanent fixture in, over, upon, or under a street, highway or public place in the city for the purpose of operating a public utility or for any other purpose without a franchise from the city.

Section 10.02. **Ordinance.** A franchise is granted by ordinance, which may not be an emergency ordinance. An ordinance granting a franchise must contain all of the terms and conditions of the franchise. A franchise is not valid unless unconditionally and fully accepted by the grantee and filed with the city clerk.

Section 10.03. **Term.** An exclusive or perpetual franchise may not be granted by the city. A franchise for a term exceeding 20 years is not effective unless approved by a majority of the voters voting thereon at a regular or special election.

Section 10.04. **Public Hearing.** Before a franchise ordinance is adopted or rates, fares, or prices to be charged by a public utility are fixed by the council, the council must hold a public hearing on the matter. Notice of the hearing must be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

Section 10.05. **Publication Cost.** The grantee of the franchise must pay for publication of the franchise ordinance.

Section 10.06. **Power of Regulation Reserved.** Subject to applicable law the council may by ordinance reasonably regulate and control the exercise of a franchise, including maximum rates, fares, or prices to be charged by the grantee. The value of the franchise may not be included in the valuation of the grantee's property in regulating utility rates, fares or prices under applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain. The rights of a grantee under a franchise are subject to the superior rights of the public to the use of streets and public places.

Section 10.07. **Renewals.** An extension, renewal, or modification of a franchise is subject to the same limitations and is granted in the same manner as a new franchise.



**CHAPTER 11**  
**PUBLIC UTILITIES**

Section 11.01. **Acquisition**. The city may own and operate a gas, water, heat, power, light, telephone, transportation, solid waste, hazardous waste, sanitation or other public utility for supplying its own needs for utility service, for supplying utility service to private consumers, or for both purposes. The city may construct the facilities reasonably needed for the utility and may acquire existing utility properties for the utility.

Section 11.02. **Lease of Plant**. The council may lease a city owned utility to a private party for a term not to exceed ten years at rentals and on conditions as deemed necessary. The lease must be embodied in an ordinance approved by five members of the council. The ordinance may not be an emergency ordinance.

Section 11.03. **Sale of Utility**. A public utility owned by the city may not be sold or otherwise disposed of unless the full terms of the sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election.

**CHAPTER 12**  
**MISCELLANEOUS AND TRANSITORY PROVISIONS**

Section 12.01. **Official Publications.** The council must annually designate a legal newspaper of general circulation in the city as the official newspaper. Ordinances, matters required by law and this charter to be published, and other matters that the council deems necessary are published in the official newspaper.

Section 12.02. **Oath of Office.** Elective officers of the city and any other officer so required by law or this charter must, before taking office take and subscribe to an oath of office in substantially the following form: "I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Minnesota, and I will, in all respects, observe the provisions of the charter and ordinances of the City of Crystal, and will faithfully discharge the duties of the office of \_\_\_\_\_, to the best of my judgment and ability."

Section 12.03 **Interest in Contracts.** Except as otherwise permitted by law an officer of the city who is authorized to take part in any manner in a contract with the city in an official capacity may not voluntarily have a personal financial interest in or personally benefit from the contract.

Section 12.04. **Official Bonds.** Officers and employees of the city required by ordinance or law to supply a bond must, before assuming office or employment give a corporate surety bond to the city as security for the faithful performance of official duties and the safekeeping of public funds. The bond (a) must be in the form and amount fixed by the council, (b) may be either an individual or blanket surety bond, (c) must be approved as to form by the city attorney, and (d) filed with the city clerk. Premiums on the bond are paid by the city.

Section 12.05. **Sale of Real Property.** Real property of the city must be disposed of by resolution after a public hearing after ten days' published notice. The net proceeds of the sale of real property must be used to retire outstanding indebtedness incurred by the city in the acquisition of that real property. Remaining net proceeds must be used to finance capital improvements or to retire other bonded indebtedness. (Amended, Ordinance No. 93-4, May 12, 1993)

Section 12.06. **Vacation of Streets.** The council may by resolution vacate streets, alleys, public ways and public grounds, or parts thereof, in the city. The vacation may be made after ten days' published notice of a public hearing before the council on the matter. The clerk must file a notice of completion of the vacation proceedings with the appropriate county official and in accordance with law. (Amended, Ordinance No. 93-4, May 12, 1993)

Section 12.07. **Effect of 1989 Charter Revision.** This charter is effective on June 1, 1989 and is a revision and comprehensive amendment to the original charter of the city adopted and effective on August 23, 1960. Nothing in this charter is to be construed to modify, abrogate or abridge (a) the rights, duties, liabilities, privileges or immunities of the city, (b) the ordinances and

resolutions of the city, or (c) the qualifications or terms of office of city officers as they existed on June 1, 1989, except as otherwise specifically provided in this charter. This charter is not to be construed to affect, modify or repeal any special law of the state applicable to the city of Crystal.

Section 12.08. **Civil Service Commission.** The Crystal Civil Service Commission is abolished effective February 1, 1991 (Added, Ordinance No. 90-22, February 1, 1991.)

Section 12.09. **Fines and Penalties.** Subdivision 1. The council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the city code or a city ordinance. The procedure must provide that any person charged with an administrative penalty will receive notices of violations and an opportunity to be heard by a neutral party. The procedure may authorize the city to use the services of a non-city employee to decide whether an administrative penalty should be imposed. (Added, Ord. No. 2002-07, August 5, 2002)

Subd. 2. The city council may provide by ordinance that unpaid administrative penalties be collected as a special assessment against property which was the subject matter, or related to the subject matter, of the penalty or against the property which was the location of an activity, proposed use, delivery of city service, or other circumstances that resulted in the penalty. The ordinance must provide that the city will first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed. (Added, Ord. No. 2002-07, August 5, 2002)

Section 12.10. (Intentionally left blank)

Section 12.11. **Employee Compensation and Recognition.** The city council may adopt by ordinance or resolution a comprehensive employee compensation and recognition policy, or similar policy statement. The policy statement may include provisions authorizing the expenditure of public funds to establish and conduct employee and community volunteer recognition programs and preventative health and wellness programs for city employees. (Added, Ord. No. 2006-2, May 17, 2006)