

CHAPTER 2: CITY CHARTER

- 2.01 Name, Boundaries and Power of City
- 2.02 Powers – How Exercised
- 2.03 Elective Officers and Elections
- 2.04 Executive and Administrative Officers
- 2.05 Law Enforcement
- 2.06 Council Meetings, Resolutions, Ordinances and Referendum
- 2.07 Public Utilities
- 2.08 Finance and Taxation
- 2.09 Local Improvements
- 2.10 Eminent Domain
- 2.11 Franchises
- 2.12 Assessment of Property
- 2.13 Vacation
- 2.14 Charter Commission
- 2.15 Miscellaneous Provisions

2.01 NAME, BOUNDARIES AND POWERS OF THE CITY

(A) Name and Boundaries. The City of Arlington, in the County of Sibley in the State of Minnesota, shall upon the taking effect of this Charter, become a city under the name of the City of Arlington and shall continue to be a municipal corporation and shall include the following described land and territory situated in the County of Sibley:

Commencing at a point 1124.2 feet north and 33 feet east of the West Quarter corner of Section 9, in Township 113, Range 27 West, Sibley County, Minnesota, which point is the NW corner of the Sibley County fair grounds; thence running east 1110 feet; thence south 323 feet;

thence east 1560.4 feet to the East boundary line of State Trunk Highway No. 5; thence continuing north 85 degrees east 2114 feet to a point in the center of High Island Creek; thence following the center of High Island Creek in a southerly and easterly direction approximately 700 feet to the center of the bridge on County Aid Road No. 1, said bridge being approximately 874 feet north of the East Quarter corner of said Section 9; thence running due east 555 feet; thence South 874 feet to the present North boundary line of the Village of Arlington 579.34 feet to the Northeast corner of the Village of Arlington; thence south 1492 feet; thence west 579.34 feet; thence south 1148 feet; thence west 1872.3 feet; thence north 650 feet; thence west 3967.2 feet to a point of intersection with the East boundary line of the public highway now located on the west line of said Section 9; thence north on the East boundary line of said highway 3125 feet to the point of beginning.

Which above described land and territory is hereby set apart and incorporated as the City of Arlington under the laws of the State of Minnesota pertaining to the framing of a City Charter for its own government, which Charter is commonly known as "Home Rule Charter," and all lands and properties now or hereafter within the boundaries of said City of Arlington shall constitute an election and assessment district separate from any town.

(B) General Powers. The City shall have all powers of local self government and home rule and all powers possible for the municipal corporation to have under the Constitution of the State of Minnesota. The City shall have all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the State of Minnesota. All such powers shall be exercised in the manner prescribed in this Charter or by the laws of the State of Minnesota, or if not so prescribed, as shall be provided by ordinance or resolution of the Council.

(C) Powers Liberally Construed. The provisions of the Charter shall be construed liberally in favor of the City, to the end that it may have all the power necessary for the efficient conduct of its municipal affairs. The specific mention of particular municipal powers in other sections of this Charter shall not be construed as limiting the general powers of the City to those specifically mentioned.

2.02 POWERS – HOW EXERCISED

(A) Powers, How Exercised. All powers of the City, unless otherwise specifically provided by this Charter, shall be exercised by the Council, or under its direction, subject to the referendum powers of the voters.

(B) Present Ordinances, Resolutions, By-Laws and Rules. All ordinances, resolutions, by-laws and rules existing at the time of the adoption of this Charter shall continue in full force and effect until amended or repealed.

(C) City Code. The existing departments, divisions, boards, and funds of the City Government are continued except as expressly changed by the provisions of this Charter until the same shall be changed by the adoption of a City Code as hereinafter provided. The City Council

shall by ordinance adopt a City Code providing a complete plan of administrative organization and management of the City Government and creating in conformity with the express provisions of the Charter such departments, divisions, boards and funds as they may deem advisable. Thereafter, except as established by the provisions of this Charter, the City Council may by ordinance adopted by a four-fifths vote of all the Council Members, amend the City Code. No such change in the City Code shall be made in such manner as to affect any rights of the City or the time and manner as to obligations due to or by the City with respect to any funds established by the City Code.

2.03 ELECTIVE OFFICERS AND ELECTIONS

(A) Elective Officers and Terms. The elective officers of the City shall be a Mayor and five Council Members, all to be elected at large. All elective officers shall be qualified voters of the City. The first Council Members and Mayor shall hold offices for three years, provided that at the first election the Council Member receiving the highest number of votes shall be elected for a term of three years, the two Council Members receiving the next highest number of votes shall hold office for the term of two years and the two Council Members receiving the smallest number of votes shall hold office for the term of one year. Subsequent terms shall be staggered terms of four years with elections held every two years. The Mayor and two Council Members will be on the ballot in one election with the other three Council Members on the ballot in the succeeding election.

(B) Oath of Office. Every officer of the City, elected or appointed, shall before entering upon the duties of the office taken and subscribe an oath of office in substantially the following form: "I do solemnly swear to support the Constitution of the United States of America, the Constitution of the State of Minnesota, and the Charter of the City of Arlington, and to discharge faithfully the duties devolving upon me as _____ of the City of Arlington to the best of my judgment and ability."

(C) Mayor and Council Members Not To Hold Other City Offices. No member of the City Council shall hold any municipal office or employment under the City, except as authorized by State Statute. Until one year after the expiration of his/her term as Mayor or Council Member, no former Mayor or Council Member shall be appointed to any paid appointive office or employment by the city which office or employment was created or the emolument of which was increased during his/her term as Mayor or Council Member.

(D) Compensation of Officers. The Council shall fix the salary of all officers elected or appointed under this Charter and the salary so fixed shall not be changed, increased or diminished during the term for which such officer is elected or appointed except that the Council may by four-fifths vote of all the Council Members authorize a change in salary by ordinance, when in their judgment, such change is warranted. No change in salary shall take effect until after the next succeeding regular city election.

(E) Elections. City elections shall be held on the first Tuesday following the first Monday in November in evenly numbered years, and the officers elected shall take office on the first called meeting in January next following such election.

(F) General Election Laws To Apply. All elections, general and special, shall be conducted under the general election laws of the State of Minnesota.

(G) Vacancies. Whenever a vacancy occurs in any of the elective or appointive offices specifically provided in the Charter, such vacancy shall be filled for the unexpired term of such official by resolution of the Council. In addition, the Council shall have power by a resolution adopted by a four-fifths vote to declare that a vacancy exists in any elective office by reason of the failure of such official to perform any of the duties of such office for a period of three months. For all elected officials, failure to perform duties is defined as being absent, without good cause, for six consecutive regular City Council Meetings. In the event that a vote is taken on declaring that a vacancy exists with a Council Member, the Mayor may vote. In the event that a vote is taken on declaring that a vacancy exists with the Mayor, the Mayor cannot vote.

2.04 EXECUTIVE AND ADMINISTRATIVE OFFICERS

(A) The Mayor. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the Governor for military purposes and for all other Mayoral duties as set by Minnesota State Law. It shall be his/her duty to see that the laws of the State, the provisions of this Charter and the Ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their respective duties and to that end may institute and maintain on behalf of the City an appropriate action or proceeding against any delinquent officer.

(B) Vice Mayor. At its first regular meeting in January, Mayor shall, with the advice and consent of the Council, choose one of its members as Vice Mayor for the year. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

(C) City Administrator. The City Administrator shall be appointed by the Council by a resolution adopted by a four-fifths vote of all the Council Members. The City Administrator shall be the Chief Executive Officer of the City, responsible for the day-to-day activities of the City. The City Administrator shall be appointed solely on the basis of fiscal and administrative qualifications and need not, when appointed, be a resident of the City or State. At its first meeting in January, the Council shall appoint such City Administrator for a term of one year commencing on the date of appointment. The City Administrator may, with the advice and consent of the council, appoint a Deputy Clerk to assist in the performance of the administrative duties in his/her absence or disability.

The Administrator shall keep the corporate seal of the City and all papers and records thereof except as otherwise provided in this Charter or by the City Code, attend all meetings of the Council in person or by his/her Deputy Clerk and keep a record of all proceedings thereof. The City Administrator shall keep accounts showing the financial transactions of all departments

of the City upon forms prescribed by him/her and approved by the Council. The City Administrator shall on or before the fifteenth day of each month prepare a summary statement of the revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and each department, division and office thereof and submit the same to the Council at its regular meeting. The City Administrator shall from time to time give the Council such information and recommend such measures as deemed advantageous to the City. The City Administrator shall perform the duties imposed by the law of the State of Minnesota and such other duties as may be provided for in the City Code.

The City Administrator shall have the power to administer oaths and affirmations and take and certify acknowledgements in all cases in which the same are required or sanctioned by law.

The City Administrator shall also perform all the duties imposed upon the City Treasurer by law and shall present the financial records of the City to an independent auditor for audit at the end of each fiscal year. The Deputy Clerk shall countersign all checks.

(D) City Attorney. The Mayor shall, with the advice and consent of the City Council, appoint a City Attorney at the first regular Council meeting each January for a term of one year commencing on the date of appointment, who shall perform the duties imposed upon the City Attorney by State law and the City Charter and City Ordinance Code.

(E) Health Officer. The Council at its first regular meeting each January shall appoint a Health Officer for a term of one year commencing on the day of appointment, which shall perform the duties imposed upon Health Officers by State law and the City Charter and City Ordinance Code.

(F) Removal from Office of Appointed Officials. All appointive officials shall serve at the will and pleasure of the Mayor and City Council, and may be removed from office at any time.

2.05 LAW ENFORCEMENT

(A) Police Department. There shall be a police department headed by a chief of police. This department shall have charge of the law enforcement function of the City, and such other public safety activities as assigned by the City Council, with the duty of preserving the public peace and upholding the laws of the City and of the State of Minnesota.

(B) Powers and Duties of the Chief of Police. The Chief of Police shall be responsible to and under the direct supervision of the City Administrator. The Chief of Police shall have supervision over all officers and members of the department, and shall have the powers and duties to see that the City Charter, ordinances, and resolutions and the laws of the State of Minnesota are enforced.

2.06 COUNCIL MEETINGS, RESOLUTIONS, ORDINANCES AND REFERENDUM

(A) Council. The Council shall consist of the Mayor and five Council Members. The Mayor shall preside over its meetings, but shall have no vote except in case of a tie when he/she shall have the power to cast the deciding vote, in the case of a vote declaring a Council Member vacancy, and in the case of emergency ordinances where he shall have no power to veto.

The annual meeting of the Council shall be held on the first Monday in January each year at 6:30 p.m., at which time newly elected members of the Council shall assume their duties. Thereafter, regular Council meetings shall be held at such times as may be prescribed by ordinance, except that there shall be not less than one regular Council meeting each month, and that the time and manner of calling special Council meetings shall also be prescribed by ordinance. A majority of Council Members shall be a quorum to do business, but a less number may adjourn from time to time. All legislative action shall be by ordinance except as otherwise provided by the laws of the State or by this Charter. The Council shall keep a minute book of its proceedings, which shall be public record; and every final vote upon the passage of all ordinances and resolutions shall be by yes and no and entered in the minute book. No ordinance shall be passed without the concurrence of a majority of the Council Members. All meetings of the Council shall be in conformance with the Minnesota Open Meeting Law. No ordinance or resolution shall contain more than one subject, which shall be clearly expressed in its title, and shall not be amended either after its introduction or passage so as to change its original subject or purpose.

(B) Ordinances. The enacting clause of all ordinances shall be “The City Council of the City of Arlington, Minnesota, does ordain”. Every ordinance shall be presented in writing. Every ordinance except emergency ordinances shall be fully and distinctly read at two Council meetings, and at least three days shall elapse between the first and second readings thereof. Every ordinance shall be published once in the official newspaper of the City, or in the event that at any time there is no legal newspaper published in the City, shall be posted in three public places in the City. All ordinances, except emergency ordinances, shall take effect upon publication or posting.

(C) Emergency Ordinances. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto and no emergency ordinances shall be passed without the concurrence of at least four Council Members. An emergency ordinance shall take effect immediately upon passage. No grant of any franchise, nor the adoption, amendment or repeal of a City Code shall be construed to be an emergency.

(D) Approval by Mayor. Every ordinance or resolution of the Council, except emergency ordinances, shall before it takes effect be presented to the Mayor for approval. If the Mayor approves it, the Mayor shall sign the same, but if the Mayor disapproves it, the Mayor shall return it to the City Administrator with objections thereto to be presented to the Council at its next regular meeting or at a special meeting called for that purpose. Upon the return of any

ordinance or resolution by the Mayor, the question shall again be put upon its passage and, if upon reconsideration the same shall pass by a four-fifths vote of all the Council Members, it shall go into effect as if approved by the Mayor. If an ordinance or resolution is not returned by the Mayor within three business days after being presented to the Mayor, it will be considered approved.

(E) Power of Referendum. The qualified voters of Arlington reserve to themselves the power, in accordance with the provisions of this Charter, to bring a proposed ordinance before the voters, or to require that an existing ordinance be referred to the voters for approval or disapproval, through referendum. A question may be brought to the voters if a petition signed by qualified voters equaling fifteen percent of the total vote cast at the last regular City election or one hundred registered voters, whichever is greater, be filed with the City Administrator requesting that a proposed ordinance, or repeal or modification of an existing ordinance, be brought to a referendum vote.

Any five voters may form a Referendum Committee. More than one copy of the same referendum petition may be circulated as a part of a single petition, but each copy shall contain an affidavit signed by a member of the Referendum Committee that each signature thereon is the genuine signature of the person whose name it purports to be. Each petition shall be in substantially the following form:

REFERENDUM PETITION

Proposing the Passage of an Ordinance
Entitled _____

This petition is sponsored by the following committee of voters:

<u>NAME</u>	<u>ADDRESS</u>
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____

The undersigned qualified voters of the City of Arlington, understanding the nature of the measure attached hereto and believing it to be in the best interest and welfare of the City, petition the City Council for submission of said measure to the voters for approval or rejection:

<u>NAME</u>	<u>ADDRESS</u>
-------------	----------------

(1) _____

(2) _____

(3) _____

I, the undersigned member of the Referendum Committee, hereby verify that I personally witnessed the signatures appearing above and state that said signatures are the true signatures of said persons.

All copies of the petition shall be filed in the office of the City Administrator as one instrument. Within five days after the filing of the petition, the City Administrator shall ascertain by examination whether the petition is regular and has been signed by the required number of qualified voters. If the City Administrator finds the petition insufficient or irregular, he/she shall at once notify one or more of the Referendum Committee members stating the reasons for findings. The committee shall then be given ten days in which to file additional copies of the petition, or corrected petition. The Administrator shall present the petition or corrected petition, to the Council at its next regular meeting, certifying it if he/she finds it regular and sufficient. If the Administrator finds it irregular and insufficient; he/she must give reasons for finding it insufficient or irregular.

The City Council, at the regular meeting at which the petition is first presented or at the next following regular meeting, may in its own discretion vote upon passage of the proposed measure, whether it be new law or the repeal of an existing ordinance. If the Council passes the proposed measure as submitted in the petition without changing or amending any portion, then the petition shall be considered satisfied and a referendum shall not be held. If the City Council opposes the measure or if it takes no action upon the measure at the meeting at which the petition is presented or the next following regular Council meeting, then the Council shall immediately call an election to be held thereon, and if a majority of the votes cast are in favor of the question, the measure shall become law the day after the vote is held. If a majority of the votes cast on the question are opposed to the measure, then the measure shall be deemed to have failed and no referendum shall be held again on the same question or a substantially similar question during the twelve months next following the date on which the first referendum vote on the question was held, unless the City Council by a four-fifths vote authorizes a new referendum vote on the question within said twelve-month period.

2.07 PUBLIC UTILITIES

(A) Public Utilities. All public utilities now or hereafter owned and operated by the City shall constitute one department of the city, known as the "Public Utilities Department". The Council shall have general management and control thereof with full power to do all things necessary for the proper operation, maintenance, improvement, acquisition, extension and repair of such public utilities. The term "Public Utility" as used herein includes any property whether

located within or without the corporate limits of the City used or useful for the production, transmission, or distribution and sale of water, electric energy, gas energy, transportation, treatment and disposal of sewage, surface waters or any domestic, commercial or industrial wastes or garbage, together with and including any other public conveniences, enterprise or utility from which a revenue is or may be derived.

(B) Rates. Rates to be charged for all services furnished by any such public utility, including charges to be made for service or benefits furnished to the City as a whole or any of its departments; rules and regulations necessary to properly regulate such service and secure prompt payment of bills; the method by which the City may acquire and collect liens upon property for unpaid bills; and the manner and extent to which the City shall operate such public utilities and furnish service outside the corporate limits of the City shall be established or changed by resolution of the City Council.

(C) Capital Expenditures. It shall be the duty of the Council to see that public utility rates are adequate to provide funds to properly operate, maintain, and pay interest and principal on any indebtedness, which may be incurred for capital expenditures for the improvement, acquisition, extension and repair of such public utilities. To provide funds necessary for capital expenditures, the Council shall have powers by resolution to authorize the issuance of General Obligation/Revenue Bonds which shall be payable solely from the net revenues of the Public Utility Department and the City shall be expressly relieved by the terms thereof from any obligation to levy, collect, use or apply any taxes or moneys received from taxation to the payment of either principal or interest on such General Obligation/Revenue Bonds except for the payment of service rendered for health or other benefits received by the City as a whole or any of its departments. Such resolution shall fix the maximum amount of General Obligation/Revenue Bonds thereby authorized; described in general terms the nature of the capital expenditures for which they are issued; and may contain covenants determining what shall constitute net revenues of the Public Utility Department; whether all or part of the net revenues shall be pledged; and such other provisions as the Council may deem necessary. Such General Obligation/Revenue Bonds shall bear interest as set by resolution of the council, but shall not exceed State usury limits. Interest shall be payable semiannually. The Council shall set the maturity date, form, and terms for such General Obligation/Revenue Bonds. The Council shall have power by resolution to issue Refunding Revenue Bonds to refund outstanding General Obligation/Revenue Bonds whenever moneys from the net revenues pledged are insufficient to meet any maturing General Obligation/Revenue Bonds or interest or at the optional or callable dates of such General Obligation/Revenue Bonds and each issue of Refunding Bonds shall constitute the same charge or lien on the net revenues of the Public Utility Department as to the Warrants refunded.

(D) Method of Sale or Lease. No public utility now or hereafter owned by the City shall be sold, leased, or otherwise disposed of unless the full terms of the proposed sale, lease or other disposition thereof shall have been embodied in an ordinance passed by the Council and the proposition submitted to an election and approved by two-thirds vote of the voters voting on the question.

2.08 FINANCE AND TAXATION

(A) General. The council shall have full authority over the financial affairs of the city. It shall provide for the collection of all revenues and other assets, settlement of accounts, and the safekeeping and disbursement of public monies. The council shall provide for an annual certified audit of the City's accounts. The fiscal year of the City shall be the calendar year.

(B) Tax Levy. Subject to the state constitution, and except as forbidden by it or by state law, the council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this charter or by laws imposing restrictions upon the City irrespective of charter provisions.

(C) Submission of Budget. Annually the city administrator shall recommend and submit to the council a budget by September 1. The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as required by law or charter, shall be in such form as the city administrator deems desirable or the council may require.

(D) Council Action on Budget. The budget shall be considered by the first regular monthly meeting of the council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. 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 income. The council shall adopt the budget by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget and the city administrator shall certify the tax resolution to the county auditor in accordance with law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

(E) City Indebtedness. The City Council may issue and sell obligations for any municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by law, no such obligations shall be issued and sold without the approval of the majority of voters voting on the question at a general or special election.

2.09 LOCAL IMPROVEMENTS

(A) Power to Make. The Council shall have power to make any local improvements deemed necessary for the welfare or convenience of the City and its inhabitants and assess the cost or such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceeding and the assessment therefore likewise levied and collected.

(B) How Initiated. Local improvement projects can be initiated two ways. 1) by a petition of owners of at least 35%, or an amount determined by City Ordinance, in frontage of the property abutting the proposed improvement. 2) by the City Council when, in its judgment, such action is required. A resolution ordering any improvements initiated by the Council or by owners of less than 35%, or an amount determined by City Ordinance, of abutting property owners requires a four-fifths majority vote of all members of the Council. A resolution ordering any improvements initiated by owners of not less than 35%, or an amount determined by City Ordinance, of abutting property owners requires a majority vote of all members of the Council.

The following is the general procedure followed by the City Council for all local improvement projects from initiation of such a project through certification of the assessment roll to the County Auditor.

1. Staff reviews petition or Developer's request for submission to Council.
2. Council accepts or rejects petition or request. If based upon a petition, the Council adopts a resolution declaring whether the required percentage of property owners has signed. If the petition or request is accepted, Council orders preparation of feasibility report.
3. City Engineer prepares feasibility report. The report shall be a preliminary evaluation whether the proposed improvement is necessary, cost-effective, and feasible and whether it should be made as proposed or in conjunction with another project. The report shall include an estimate of the cost of the improvement as proposed. Council may refer the report to the Planning and Zoning Commission.
4. Council accepts or rejects feasibility report. If accepted, Council orders public hearing on the improvements.
5. Staff posts and publishes hearing notice and mails notices to affected property owners as provided in Minnesota State Law.
6. Council conducts public hearing.
7. Within six (6) months of the hearing date, Council adopts or rejects resolution ordering improvement to be constructed and advertisement of bids. If adopted, the City Engineer and Staff prepares final plans, advertises for and opens bids as provided in Minnesota State Law, prepares bid tabulation, makes recommendation to City Council for award, and prepares proposed assessment roll. Bonds to finance project costs may be issued at any time after the improvements are ordered.
8. Council awards contract based on the bids received.
9. City Engineer supervises construction and prepares payments.
10. Council reviews proposed assessment roll and orders assessment hearing.
11. Staff publishes hearing notice, mails notice of hearing date and proposed assessments to the affected property owners as provided in Minnesota State Law.
12. Council conducts assessment hearing and adopts, revises, or rejects resolution determining the amount of the total expense the City will pay, if any, and establishing the assessment roll. If adopted, Council authorizes certification of the assessment to the County Auditor.
13. Staff certifies the assessment roll to the County Auditor.

(C) Local Improvement Ordinance. As soon as possible after this Charter takes effect, the Council shall prepare and adopt a complete Local Improvement Ordinance, which may be amended from time to time as other ordinances, covering procedure for preparations of plans and specifications; awarding contracts; use of day labor; preparation of assessment and share of cost which may be assessed to the City as a whole; hearing on and appeals from special assessment; supplemental assessment and re-assessment; and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance, all resolutions pertaining to local improvements shall conform to the provisions of such Local Improvement Ordinance. The Council shall have the power also to include as a part of such Local Improvement Ordinance the method by which Local Improvement Bonds may be issued to finance such work

2.10 EMINENT DOMAIN

(A) Powers. The City shall have full power to acquire by purchase, gift, devise, or condemnation, any property corporeal or incorporeal, including public utilities either within or without its corporate boundaries, which may be needed by the City for any public use or purpose, and the fact that the property so needed has been acquired by the owner under power of eminent domain and is already devoted to public use shall not prevent its acquisition by the City. The acquisition of such property may be accomplished by proceedings at law in the manner provided for taking land for public use by the right of eminent domain according to the laws of this State.

2.11 FRANCHISES

(A) Defined. The word "Franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

(B) Method of Granting. No franchise shall be granted except by resolution adopted by a majority vote of all Council Members and every resolution by which the Council shall propose to grant any franchise shall contain all terms and conditions of the franchise to be granted. No exclusive franchise shall ever be granted. No franchise shall be granted for a term exceeding twenty-five years.

(C) Long Term Contracts. The words "Long Term Contracts" shall be construed to mean and be limited to contracts for the purchase by the City or any of its departments of any materials or supplies including contracts for the purchase of electricity or services of other public utilities which run for a period of more than five years. No such long term contract shall be entered into until the same shall have been approved by resolution adopted by a majority vote of all the Council Members and, except in case of contracts whereby the City Council reserves the unconditional right to cancel and terminate such contract at any time after the expiration of a ten-year period, until such resolution approving the contract shall have been submitted at an election and approved by a majority of the voters voting on the question.

2.12 ASSESSMENT OF PROPERTY

(A) City to Be Separate District. The City shall constitute a single assessment district separate and apart from any town within the boundaries of which any property within the City limits may be. The assessment of property within the City limits shall be made in the manner provided by the laws of the State for cities of the same class.

(B) Board of Equalization. The Board of Equalization shall consist of the Mayor and City Council and shall meet in a place designated by the County Assessor after April 1 of each year to equalize the assessment according to law. The Council may change the date of such equalization meeting from time to time by published resolution to conform to the general laws of the State.

2.13 VACATION

(A) Vacation. The Council of the City of Arlington may by resolution vacate any street, alley, public grounds, public way or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the Council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by a two weeks published and posted notice. After a resolution of vacation is adopted, the Council shall prepare and present to the proper County officers a notice of completion of the proceedings in accordance with State law and City Ordinance.

2.14 CHARTER COMMISSION

(A) Appointment. The City Council nominates, by resolution, the Charter Commission. The resolution nominating the charter commission is then sent to the district court, acting through the chief judge of the district, for appointment.

(B) Size. The Charter Commission shall consist of 15 qualified voters of the City.

2.15 MISCELLANEOUS PROVISIONS

(A) Call For Bids—Official Bond—Penalties For Violation. The Council shall have power by ordinance to fix the manner in which the publicity shall be given to requests for bids the amount of bond to be given by officers of the City and penalties for any violation of this Charter or any Ordinance of the City.

Any administrative rule or regulation of any department of the State of Minnesota affecting the City, or any statute of the State of Minnesota, or any published code, specification, or regulation prepared by an official or unofficial organization for general circulation and use, may be adopted and incorporated by reference thereto in an ordinance and by marking one copy thereof as "Official Copy" and filing it for reference and inspection in the Office of the City Administrator, and the publication requirement of this Charter shall be as fully satisfied in such cases by this method as if the said material has been set forth in the ordinance in full.

(B) Present Rights Retained. The City shall succeed to all contracts and property rights and privileges and be subject to all legal obligations and terms of existing contracts and franchises existing at the time this Charter goes into effect.

(C) Services On City. When any suit or action shall be commenced against the City, service or process therein shall be made by leaving a copy thereof with the City Administrator or person in charge of the City Administrator's Office and one copy with either the Mayor or Vice Mayor. It shall be the duty of the City Administrator to make such entries therein as are required to be entered by statute and forthwith inform the City Attorney and Council thereof.