

CITY CHARTER OF

CITY OF WABASHA

MINNESOTA

HOME RULE CHARTER VOTED UPON BY
THE ELECTORS OF THE CITY OF
WABASHA
September 15, 1987

RESULT OF VOTE CANVASSED BY THE COUNCIL

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CHARTER OF THE CITY OF WABASHA

CHAPTER 1 NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. Name and boundaries. The City of Wabasha in the County of Wabasha, State of Minnesota shall upon the taking effect of this charter continue to be a Minnesota corporation under the name and style of the City of Wabasha, with the same boundaries as now are or hereafter may be established.

Section 1.02. Powers of the City. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.03. Charter Effective. This charter shall take effect thirty (30) days from and after its adoption by the voters.

CHAPTER 2 FORM OF GOVERNMENT

Section 2.01. Form of Government. The form of government established by this charter is the "Mayor-Council Plan". The council shall exercise the legislative power of the city and determine all matters of policy.

Section 2.02. Boards and commissions. The council may by resolution establish, regulate and abolish such committees from within its membership and for such purposes as it shall deem necessary or desirable. The council may establish, regulate and abolish such boards and commissions from without its membership 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. If the purpose for which such board or commission is established is to continue beyond the period during which the initial membership thereof would be expected to serve, then establishment shall be by ordinance; otherwise, it may be by resolution. A member of the council shall not be disqualified from serving on a board or commission. The Mayor shall appoint the members of the boards and commissions, subject to confirmation by a majority vote of the council. All boards and commissions now in existence shall continue with the same powers they presently have until modified by ordinance. The Council shall have complete authority to set compensation for Board or Commission members as the council deems advisable.

Section 2.03. Elective Officers. The council shall be composed of a mayor and six (6) council persons. The mayor shall be elected at large in the City of Wabasha, and there shall be elected from each ward of said city, two aldermen, all of whom shall have been resident and qualified voters of their respective wards

thirty (30) days preceeding their election. The Mayor and council persons shall hold office for the term of four (4) years commencing on the first business day of January following the year in which they were elected and qualified and until their successors are elected and qualified. The term of those council persons and mayor elected at the municipal election held on the first Tuesday in April, 1987, are hereby extended so as to end on the first business day of January, 1991. The term of the incumbents holding office filled by municipal election whose terms expire in 1988 are hereby extended so as to end on the first business day of January, 1989.

Section 2.04. Incompatible Offices. No member of the council shall hold any other paid municipal office or employment under the city; and until one (1) year after the expiration of the member's term as mayor or council person, no former member shall be appointed to any paid appointive office or employment under the City which office or employment was created or the compensation for which was increased during his term as councilman or mayor.

Section 2.05. Vacancies in the Council. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council or by reason of death, resignation, removal from office, removal from city, continuous absence from the city for more than (3) months, or conviction of a felony of any such person, whether before or after his qualification; or by reason of the failure of any council person without good cause to perform any of the duties of membership in the council for a period of three (3) months. In each such case, the council shall by resolution declare such vacancy to exist and it shall forthwith appoint an eligible person to fill the same until the next municipal election when the office shall be filled for the unexpired term.

Section 2.06. The Mayor. The mayor shall be the presiding officer of the council except that the council shall choose from its members a president pro tem, who shall hold office at the pleasure of the council and shall serve as president in the mayor's absence and as mayor in case of the mayor's disability or absence from the City. The mayor shall have a vote as a member of the council. The mayor shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes and by the governor for the purpose of martial law. The mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty or waste on the part of any officer or department of the city. In time of public danger or emergency, the mayor may with the consent of the council take command of the police, maintain order and enforce the law. The mayor shall from time to time give the council such information and recommend such measures as the mayor may deem advantageous to the city.

Section 2.07. Salaries. The mayor and the Council persons shall receive such compensation as is fixed by the council in accordance with the law. Unless otherwise provided by ordinance, all officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

CHAPTER 3 ELECTIONS

Section 3.01. Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in November of even numbered years, commencing in 1988 at such place or places as the city council may designate. The City Clerk shall give at least two (2) weeks published notice of the time and place of holding such an election and of the officers to be elected. The failure to give such notice shall not invalidate such election.

Section 3.02. Special Elections. The council may by resolution, order a special election and provide all means for holding it. The City Clerk shall give at least two (2) weeks published notice of a special election. The procedure of such election shall conform as nearly as possible as prescribed for other municipal elections.

Section 3.03. Procedure at Elections. Subject to the provisions of the Charter and applicable state laws, the council may by ordinance further regulate the conduct of the city elections. Except as otherwise provided in this Charter or in ordinances adopted pursuant thereto the general laws of the State of Minnesota pertaining to elections, shall apply to city elections.

Section 3.04. Filing for Office. No earlier than sixty (60) days or later than thirty (30) days before the municipal election, and any voter of the City qualified under the state constitution for elective office may, by filing an Affidavit and paying a filing fee of \$5.00 to the City Clerk have his or her name placed on the municipal election ballot.

CHAPTER 4 COUNCIL AND LEGISLATION

Section 4.01. Council Meetings. On the second business day of January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the duly elected members of the council shall assume their duties. The mayor of the City shall preside at all meetings of the council. Thereafter the council shall meet at such times each month as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council upon reasonable notice to each member of the council. The council shall elect one of its members President, who shall preside at the meetings of the council in the absence of the mayor. Such president shall in the absence of the mayor from the city, or in the case of his inability to serve, be acting mayor with full power as the mayor.

Section 4.02. Secretary of Council. The City Clerk or the Clerk's designee when approved by the council shall act as secretary of the council. The Clerk shall keep a journal of the council proceedings and such other records and perform such other duties as this charter or the council may require. The council shall choose such other officers and employees as may be necessary to serve at its meetings.

Section 4.03. Rules of Procedure and Quorum. The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. A

council may by ordinance provide a means by which a minority may control the attendance of absent members.

Section 4.04. Ordinance Resolutions and Motions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of council members on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this charter, an affirmative vote of a majority of all the members of the council shall be required for the adoption of all ordinances and resolutions.

Section 4.05. Procedure on Ordinances. Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, "The City of Wabasha Does Ordain: 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 passage.

Section 4.06. 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 a preamble and the ordinance is adopted by vote of at least five members of the council.

Section 4.07. Procedure on Resolutions. Every resolution shall be presented and read in full before adoption unless the reading is dispensed with by unanimous consent.

Section 4.08. Signing and Publication of Ordinances and Resolutions. Every ordinance and resolution passed by the council shall be signed by the mayor or by two other council members, attested by the City Clerk and filed and preserved by said Clerk. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code or ordinance or part thereof, without publishing the material referred to in full.

Section 4.09. When Ordinances and Resolutions Take Effect. Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it may specify. Every other ordinance shall take effect ten days after passage or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such a later time as is fixed therein.

Section 4.10. Amendment and Repeal of Ordinances and Resolutions. Every ordinance or resolution appealing all or part of a previous ordinance or resolution shall give the number and the title of the ordinance or resolution to be repealed in whole or in part.

Section 4.11. Revision and Codification of Ordinances. The City may revise, rearrange and codify its ordinances with such additions or deletions as may be deemed necessary by the council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form, and copies shall be made available by the council at the office of the City Clerk for general distribution to the public, free or at a reasonable charge. Publication in such a code shall be a

sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

CHAPTER 5 INITIATIVE AND REFERENDUM

Section 5.01. Powers Reserved by the People. The qualified electors of the City of Wabasha reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt ordinances and to require an ordinance when passed by the council to be referred to the electors for approval or disapproval. These powers shall be called the initiative and the referendum.

Section 5.02. Further Regulations. The council may provide by ordinance such further regulations for the initiative and referendum, not consistent with this charter, as it deems necessary.

Section 5.03. Petitions. An initiative or referendum shall be initiated by a petition signed by qualified voters of the city equal in number to 15% of those who voted at the last preceding regular municipal election. Each petition shall be sponsored by a committee of five qualified voters of the city. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.06 or 5.07, as the case may be. Each petitioner shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city. Any person whose name appears on a petition may withdraw his name by a statement in writing, filed with the city clerk before the clerk advises the council regarding the sufficiency of the petition.

Section 5.04. Determination of Sufficiency. Immediately upon receipt of the petition the city clerk shall examine the petition as to its sufficiency and report to the council within 20 days thereof. Upon receiving the report of the city clerk, the council shall determine by resolution the sufficiency of the petition.

Section 5.05. Disposition of Insufficient Petition. If the council determines that the petition is insufficient or irregular, 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 to correct the petition in all particulars. If at the end of that period the council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in his office and notify the sponsoring committee. The final finding by the council 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 ordinance to the voters at the next regular or special election if it deems advisable.

Section 5.06. Initiative. Any ordinance, except an ordinance relating to the he budget or capital program, the appropriation of money, the levy of taxes, or the salaries of city officers or employees, may be proposed by 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 the

majority of the sponsoring committee do not disapprove the amended form by a statement filed with the city clerk within 10 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 an acceptable form within 60 days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the city. If a majority of the voters voting thereon favors the ordinance, it shall go into effect immediately or on the date specified therein; if a majority of the electors voting thereon vote against the ordinance, it shall be considered defeated.

Section 5.07. Referendum. Any ordinance that would be subject to the Initiative Procedure as set forth in this chapter, may be subjected to referendum by a petition, which shall state, at the head of each page or on an attached paper, a description of the ordinance. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election occurring in the city, or at the special election called for that purpose, as the council determines. If a majority of the voters voting thereon favors the ordinance, it shall go into effect immediately or on the date specified therein; if a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect during the period necessary to effect the procedures stated herein, but shall be repealed if a majority of the voters voting on the ordinance vote against the same.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Section 6.01. The Mayor. The Mayor shall have general control and direction of the police and fire officers of the city and shall also have general control and direction of the street work to be done within the limits of the city. He shall appoint the Police Chief and also the Chief of the Fire Department, Street Commissioner and such other subordinate officers and employees in his department as may be authorized by ordinance. All such appointments shall be subject to confirmation by the Council. The Mayor shall be the Chief Executive Officer of the City and see that the laws and provisions of this charter and the ordinances are duly enforced. He shall have general oversight of the administration, make recommendations and transmit information to the Council concerning the affairs of the City and the safety and well being of the people.

Section 6.02. General Council Powers. In addition to the authority and responsibility herein granted, the council shall have all those powers granted to it by the Constitution and laws of the State of Minnesota. The council may delegate such administrative and ministerial authority and responsibility by ordinance to the departments, divisions, bureaus, boards and officers of the City as it deems necessary and advisable.

Section 6.03. Departments of Administration. The council may create such departments, divisions, bureaus and advisory boards for the administration of the City's affairs as it may deem necessary, and from time to time alter their powers and organization by ordinance. It may prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.04. Subordinate Officers. There shall be a City Clerk and such other officers having those responsibilities and duties as prescribed and created by the Council by ordinance. The City Clerk shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as the Council may prescribe. The Clerk may be designated to act as secretary of the council and also as treasurer. The Council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit. The Council may appoint such employees and agents as it may be deemed necessary for the proper operation of City affairs.

Section 6.05. Purchases and Contracts. Unless otherwise provided by ordinance, all purchases shall be made and all contracts shall be let by the Council. The Council may by ordinance delegate purchasing and contract powers to boards, commissions and officers as it deems necessary and advisable. All contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Clerk on behalf of the City and it shall be executed in the name of the City. All contracts shall be made in compliance with the uniform contracting laws of the State of Minnesota, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

CHAPTER 7

FINANCE AND TAXATION

Section 7.01. Council to Control Finances. 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, and auditing and settlement of accounts, and the safekeeping and disbursement of public monies.

Section 7.02. Fiscal Year. The fiscal year of the City shall be the calendar year.

Section 7.03. System of Taxation. Subject to the State Constitution and except as forbidden by it or by State law, the Council shall have full authority and 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.

Section 7.04. Board of Equalization. The Mayor shall appoint by and with the consent of the Council one alderman from each ward in the City, who shall constitute a Board of Equalization who shall meet at such time as may be required by the laws of the State of Minnesota to equalize assessments of property for taxation purposes according to law.

Section 7.05. Submission of Budget. Annually, the City Clerk shall prepare and submit to the Council estimates for the annual budget in accordance with the budget calendar to be established. 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 and 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 fiscal year. In addition to showing proposed expenditures for current operation, 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 expenditure shall not exceed the total estimated income and the portion of the operating budget to be provided from the property tax shall not exceed the amounts authorized by law and charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and law.

Section 7.06. Council Action on Budget. The budget shall be considered at 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 a budget no later than the first week of October by a resolution which shall set forth the total for each budgeted fund in each department, with such segregation as to objects and purposes of expenditures as the Council deems necessary for the purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget and the Clerk shall certify the tax resolution to the County Auditor in accordance with law not later than October 10th. Adoption of the budget resolution shall constitute appropriation at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

Section 7.07. Enforcement of the Budget. The City Clerk shall enforce strictly the provisions of the budget. The Clerk shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made in the budget resolution and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employment of the City for any purpose not authorized in the budget resolution or for any amount in the excess of the amount authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owed by the City until the claim to which it relates has been supported by an itemized bill, payroll or timesheet, or other document approved and assigned by the responsible City officer who vouches for its correctness and reasonableness.

Section 7.08. Alterations in Budget. After the budget resolution has been adopted, the Council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time, the Council may by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriation in the budget resolution to other purposes.

Section 7.09. Funds. There shall be maintained in the City treasury a general fund and such other funds as may be required by statute, ordinance or resolution. The Council may by ordinance or resolution make intra-fund loans, except as may be prohibited by law, as it may be necessary and appropriate.

Section 7.10. Emergency Appropriation to the Budget. The Council may include an emergency appropriation as a part of the budget but not to exceed ten percent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by vote of at least five members of the Council and shall be used only for the purposes designated by the Council.

Section 7.11. City Indebtedness. Except as provided by Section 7.12 and 7.13, 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 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 a majority of the voters voting on the question at a general or special election.

Section 7.12. Tax Anticipation Certificates. At any time after January 1st, the Council may issue certificates of indebtedness in anticipation of 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 the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1st of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued in the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates.

Section 7.13. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency 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 for a period not to exceed 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 an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least five members of the Council. It may be passed as an emergency ordinance.

CHAPTER 8 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power to Make Improvements and Levy Assessments. The city shall have the power to make any and every type of public improvement not forbidden by the law and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total amount assessed to pay for such local improvements may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

Section 8.02. Assessments for Services. 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 benefited, and collected in like manner as are special assessments.

Section 8.03. Local Improvements Regulations. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by law (or charter provisions) applicable thereto. The council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefore. Such ordinance shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least five members of the council. In the absence of such ordinance, all local improvements may be made and assessments levied therefore as prescribed by any applicable law.

Section 8.04. Public Works: How Performed. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract.

CHAPTER 9 EMINENT DOMAIN

Section 9.01. 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 or other applicable law.

CHAPTER 10 FRANCHISES

Section 10.01. Franchises Required. Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty-five years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. 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 official newspaper not less than ten days prior to the date of the hearing.

Section 10.04. Power of Regulation Reserved. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase of eminent domain.

Section 10.05. Renewals or Extensions. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Section 10.06. Conditions in Every Franchise. Every franchise, which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain a provision:

1. That the council shall have the right:

(a) To hear and determine what are just, fair and reasonable rates, fares, and charges for public service, and to order that only reasonable charges shall be imposed, and to make effective such order by penalties and forfeitures. The granting of a franchise shall not be deemed to confer any right to include in the charges for service any return upon the value of the franchise or grant.

(b) To require reasonable extensions of any public service system.

(c) To make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

2. That the grantee shall not issue any capital stock on account of the franchise, or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the City to acquire the public utility using such franchise, any return on account of the franchise, or its value.

3. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required by the grantee. The assignee or lessee shall also file a bond in such amount and with such conditions as the council may require, which bond shall run to the City as obligee, with sureties satisfactory to the council, and shall obligate the grantee, or lessee to discharge all obligations and liabilities imposed by said franchise.

4. Every franchise and every extension or renewal of such franchise shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise, as well as of the provision of this chapter.

5. The violation by the owner or operator of any franchise of any of the express provisions prescribed by this section shall be cause for forfeiture of the franchise.

Section 10.07. Further Limitations. The enumeration and specification of particular matters, which must be included in every franchise or renewal or extension of any franchise, shall not be construed to impair the right of the City to insert in such franchises such other and further conditions and restrictions as the council may deem proper to protect the City's interest, nor shall any thing contained in this charter limit any right or power possessed by the City over existing franchises.

CHAPTER 11
PUBLIC OWNERSHIP AND
OPERATION OF UTILITIES

Section 11.01 The City may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existent utility properties so needed. The City shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council. Such ordinance shall not be an emergency ordinance.

Section 11.02. Regulations and Rates. The Council may by ordinance fix rates, fares and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary and prescribe penalties for violation of such regulations.

CHAPTER 12
GENERAL PROVISIONS

Section 12.01. Official Publication. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper, in which shall be published ordinances and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this manner.

Section 12.02. Oath of Office. Every elected or appointed officer of the City shall before entering upon the duties of his office take and subscribe an oath of office in substantially the following form: "I do solemnly swear to support the constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as...(title of office) of the City of Wabasha to the best of my judgement and ability."

Section 12.03. Official Bond. The City Clerk and such other officers and employees of the City as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of his duties and the safe keeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They shall be approved by the City Council and filed with the County Clerk. The provisions of State law relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Section 12.04. Official Interest in Contracts. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in or personally benefit from such contract.

Section 12.05. Vacation of Streets. The Council shall have exclusive power by ordinance passed by 5/7 majority vote to vacate streets and alleys within the City. A record thereof shall be made in the office of the County Recorder for Wabasha

County. Such vacation may be made on such terms and by such procedure as the Council may by ordinance and upon due notice to all parties prescribe.

Section 12.06. City to Succeed to Rights and Obligations of Former Charter. The City shall succeed to all the property, rights and privileges and shall be subject to all legal obligations of the City under the former charter.

Section 12.07. Existing Ordinances Continued. All ordinances and regulations of the City in force when this charter takes effect and not inconsistent with the provisions thereof are hereby continued in full force and effect until amended or repealed.

Section 12.08. Ordinance to Make Charter Effective. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 12.09. Effective Date. This charter becomes effective thirty (30) days after adoption.