

North, Range 20 West, where the same intersects the West line of Oak Street, said point being 33 feet South of the Southeast Corner of Lot 9, Block 1, Crooker & Parker's Second Addition to the City of Owatonna, Minnesota, thence South along the West line of Oak Street 87.25 feet to the place of beginning, thence South 44.75 feet, thence West to Straight River, thence North along said River to a point due West of the place of beginning, thence East to the place of beginning.

(Being in Sublot 1 of Lot 2 in Southeast Quarter of Northeast Quarter of Section 9, Township 107 North, Range 20 West.)

Approved May 12, 1967.

CHAPTER 401—S. F. No. 1565

[Not Coded]

An act relating to the city of Chaska, Carver county, Minnesota; amending Special Laws 1891, chapter II.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Chaska, city of; organization.** Special Laws 1891, Chapter II, is amended as provided in this act. Chapter and section references in this act are references to chapters of said chapter II, and to sections contained therein, respectively.

Sec. 2. Chapter I, section 3, is amended to read:

Sec. 3. *In addition to the district described in the preceding section, said city of Chaska shall comprise all lands heretofore and hereafter annexed thereto under the provisions of the general laws of the state, and the entire area thereof is hereby divided into three (3) four wards as follows: The first ward shall comprise all the territory within said limits lying west of the following described line, which shall constitute the eastern boundary line of the first ward and the western boundary line of the second ward, viz.: Commencing at the point of intersection of the centre line of Pine street, as designated on the plat of the village of Chaska on file and of record in the office of the register of deeds in and for said county, with the south line of said limits; thence running northerly along the centre line of said Pine street to the north line of section number eight (8); thence east along said section line to the corner post of sections number four (4); five (5); eight (8) and nine (9); thence*

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north along the line between sections number four (4) and five (5) to the north line of said limits.

The second (2d) ward shall comprise all the territory within said limits east of said above mentioned line, and west of a line described as follows, viz.: Commencing at a point on the south line of said limits which would be the intersection of the continuation of the centre line of Oak street, as designated on said plat of said village; thence running northerly along the centre line of said Oak street to the north line of section number nine (9); thence east along said line to the quarter post on said line; thence north along the centre line of section number four (4) to the north line of said limits. The third ward shall comprise all the territory within said limits lying east of said last above described (ward) boundary line. *Each ward shall contain as nearly as practicable an equal number of voters. On or before January 1, 1968, and within 90 days after the filing of each subsequent decennial census with the secretary of state under Minnesota Statutes, Section 600.18 the city council shall by ordinance reapportion the city, or confirm its prior apportionment, into four wards, each consisting of convenient, adjacent, and contiguous territory. Each reapportionment shall be effective for the next ensuing and all subsequent city elections, except that every alderman elected shall continue to hold office and to represent the ward from which he was elected until his term expires or a successor is appointed or elected and qualified in accordance with chapter II.*

Sec. 3. Chapter II, section 2, is amended to read:

Sec. 2. The elective officers of the city shall be a ~~mayor~~, a ~~treasurer~~ two (2) justices of the peace (who shall be styled city justices), and ~~five members of the city council~~ *aldermen*. The city council shall consist of ~~three (3) aldermen~~ *one alderman to be elected by the qualified voters of the city at large, who shall be mayor, and one alderman* from each ward in the city, to be elected by the qualified voters in ~~their respective wards~~ *such ward*. *Except as provided in chapter 1, section 3, each alderman shall be a resident and qualified voter of the city and the ward for which he shall be elected, and shall continue to reside in such ward during the time he shall continue as such alderman. All other officers of the city shall be appointed by the city council, unless herein otherwise provided. The appointment of officers by the city council shall be determined by ballot, and it shall require a concurrence of a majority of all members of the city council to appoint any such officer. The city council is authorized to appoint such officers in addition to those mentioned in this charter act as it may deem necessary for the proper management of the affairs of the city, and to prescribe their duties and fix their compensation.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 4. Chapter II, section 3, is amended to read:

Sec. 3. All persons entitled to vote for state or county officers, and who shall have resided for ~~ninety~~ *30* days in the city, ~~and for ten days next preceding the election in the precincts in which they offer their votes,~~ shall be entitled to vote for any officer elected under this ~~charter act,~~ and *eligible* to hold any *elective* office ~~created hereby,~~ and to hold any *appointive* office except as herein otherwise provided.

Sec. 5. Chapter II, section 4, is amended to read:

Sec. 4. *Regular city elections for the elective officers provided for by this chapter shall be held bi-annually* on the second Tuesday of March *in each even-numbered year,* and shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, in such manner and at such time as it shall prescribe. The provisions of the general laws of this state governing elections shall apply to all elections, held under this ~~charter act,~~ except as otherwise provided herein, and all special provisions contained in this ~~charter act,~~ governing elections shall also apply to all the elections within the city; but the returns for all city elections shall be made to the city clerk, and for all state and county elections to the county auditor of said county of Carver. Each ward established hereby shall constitute an election precinct, as well for state and county as for city elections, and the city council shall designate the place of holding elections in each election precinct at least ~~twenty~~ *(20)* days prior to such election, and the place so designated shall remain the place of holding election until a new designation is made.

Sec. 6. Chapter II, section 8, is amended to read:

Sec. 8. Any officer removing from the city or *from the ward* for which he was elected ~~or appointed,~~ or any officer who shall refuse or neglect, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office; and any officer elected by the people or by the city council, having entered upon the discharge of the duties of his office, may resign the same with the consent of the city council. Such resignation shall be tendered to the mayor, and by him laid before the city council at its next session thereafter. Any officer appointed by the mayor may resign the same

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with the consent of the mayor. Whenever any vacancy shall occur in the office of ~~mayor, treasurer, member of city council, city justice~~ *any elective office*, or whenever there shall be a failure by the people to elect any such officer on the day designated, the city council shall have power and it shall be its duty to declare such office vacant by resolution entered in its minutes, and thereupon an election to fill such vacancy shall be called and held as herein provided for.

Sec. 7. Chapter II, section 9, is amended to read:

Sec. 9. Any person holding office under this ~~charter~~ *act* may be removed from such office by the city council. Such removal shall be determined by ballot, and it shall require the concurrence of ~~two-thirds (2/3)~~ *three-fifths* of all the aldermen authorized to be elected to effect such removal. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a statement in writing of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense, by counsel or otherwise. The city council shall have power to fix a time and place for the trial of any such officer against whom charges may be preferred, of which at least ten ~~(10)~~ days' notice shall be given by the city clerk, in the manner prescribed for notices of election to office, and shall have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if any such officer shall neglect to appear and answer the charges preferred against him, the city council may declare the office vacant.

Sec. 8. Chapter II, section 10, is amended to read:

Sec. 10. Every person elected or appointed to any office under this ~~charter~~ *act* shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, ~~street commissioner~~, and such other officers as the city council shall designate and require so to do, shall severally, before they enter upon the duties of their respective offices, execute to the city of Chaska bonds in such amounts and upon such conditions as the city council may, by resolution, fix and prescribe; and the city council may, from time to time, require new bonds and remove from office any officer refusing or neglecting to give the same. The bonds of all city officers shall be approved by the city council and filed with the city clerk, except the bond of said clerk, which, when so approved, shall be filed with the treasurer.

Sec. 9. Chapter II, section 11, is amended to read:

Sec. 11. The city council, at its first ~~regular~~ *regular* meeting after ~~the general~~ *each regular* election ~~under this charter~~, or as soon there-

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after as may be, and annually thereafter, shall appoint a ~~clerk, who shall be styled city clerk, an attorney who shall be styled a city attorney, a street commissioner, an assessor, who shall be styled city assessor, a city treasurer, and a physician, who shall be styled city physician health officer,~~ who shall each be appointed for one ~~(1)~~ year, and who shall each possess the same qualifications for office as are required in cases of elective officers, and shall designate one newspaper, printed in said city, in which shall be published all ordinances, notices, proceedings and matters required by this act or any law of this state or which may be required by any ordinance or resolution of the city council to be published in a public newspaper.

Sec. 10. Chapter II, section 12, is amended to read:

Sec. 12. The mayor, ~~treasurer, and~~ city justices and ~~members of the city council~~ shall each hold office for the term of two ~~(2)~~ years *and the other aldermen for the term of four years, except that the terms of all officers shall expire upon the qualification of officers elected at the regular election of 1968, at which the aldermen of the first and third wards shall be elected for a term of two years each.* The term of office of said ~~each~~ elective ~~officers~~ officer shall commence on the third ~~(3d)~~ Tuesday of March following ~~each general his election under this charter,~~ and shall terminate on the election and qualification of ~~their successors his successor,~~ and the term of office of any person elected to fill ~~any a vacancy under this charter in his office~~ shall terminate on the third ~~(3d)~~ Tuesday of March following the next general election thereafter held under this charter or when the successor or the person so elected to fill ~~any vacancy shall have qualified at the same time.~~ The term of office of any officer appointed under this ~~charter act~~ to fill any vacancy in the appointive officers of said city shall expire at the time of the meeting of the city council at which the term of the officer whose place was so filled by appointment would otherwise have expired.

Sec. 11. Chapter III, section 1, is amended to read:

Section 1. The mayor shall be the chief executive officer and head of the police of the city. He shall take care that all laws of the state and all ordinances of the city are duly enforced and observed within the city. ~~He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. He shall not be entitled to vote on any measure before the city council unless an equal number of votes for and against the same are cast by the other aldermen.~~ All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not approve and sign he shall return to the city council with his ob-

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jections thereto, by depositing the same with the city clerk to be presented to the city council at its next meeting thereafter; and upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put notwithstanding the objections of the mayor. And if, after such reconsideration, the city council shall pass the same by a *the vote of two thirds (2/3) three-fourths* of all the *its other members of the council*, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, Sunday excepted, after it shall have been presented to him, the same shall have the same effect as if approved by him. All ~~contracts; appropriations; and all orders on the treasurer;~~ shall be *manually signed by the mayor or acting mayor, and all appropriations and orders on the treasurer shall be executed by his manual or facsimile signature in accordance with the law of the state.*

Sec. 12. Chapter III, section 6, is amended to read:

Sec. 6. There shall be a city ~~physician~~ *health officer*, who shall be a physician in general practice and in good standing in his profession and a ~~graduate of some well recognized college of medicine duly licensed to practice in the state of Minnesota. He shall furnish medical and surgical attendance and medicines to all such poor of the city as he may be requested to attend by the proper authorities.~~ It shall be his duty to make a general inspection of the city as to matters affecting the health of its citizens as often and when directed so to do by the city council. He shall make all such reports to the state board of health as are required by law or by said board. He shall be ~~ex officio~~ *health officer and president and executive officer of the board of health of said city, and shall perform all duties required of him as such by law or any ordinance of said city.*

Sec. 13. Chapter III, section 8, is amended to read:

Sec. 8. There shall be a city ~~street commissioner, who shall have supervision and take charge of all work done on any street or alley of the city and the construction of all sidewalks, parks, bridges and improvements in or upon the streets or public grounds. He shall take care that all contracts for any such work or construction in behalf of the city are complied with; and may suspend any work under any such contracts that does not conform to his requirements until the city council shall direct the continuance of the same. The city council shall appoint department heads for public utilities, streets, police, and such other departments as the council shall deem necessary for the proper management of the city. It may by ordinance dele-~~

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gate to an administrative or managerial officer supervision of the administrative branch of the city government and responsibility to the council for the proper administration of all affairs relating to the city, reserving to itself the legislative power of the city and the determination of all matters of policy. Notwithstanding any other provision of this act, if such an ordinance is adopted, and for so long as it remains in effect, said administrative or managerial officer shall have the following powers and duties:

(1) *He shall see that laws, ordinances, and resolutions are enforced within the city.*

(2) *He shall appoint upon the basis of merit and fitness and subject to any applicable civil service provisions and remove all other appointive officers except the city attorney, all heads of departments, and all subordinate officers and employees.*

(3) *He shall exercise exclusive control over the administrative service of the city and all departments and divisions thereof, and over the appointment of all persons to office or employment, and no orders shall be given either publicly or privately to such appointees, except by said officer.*

(4) *He shall attend all meetings of the city council, other than meetings at which his removal is considered, and may take part in discussion but shall not vote.*

(5) *He shall recommend to the city for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of city affairs.*

(6) *He shall keep the council fully advised as to the financial condition and needs of the city and shall prepare and submit to the council an annual budget and recommended tax levy, with such segregation as to objects and purposes of expenditures as the council deems necessary for the purpose of budget control. He shall enforce the budget and prescribe the manner of ordering expenditures pursuant thereto, subject to the provisions of any ordinance or administrative code adopted by the council; provided that all orders on the treasurer shall be signed by at least two designated officers, and no order shall be approved except pursuant to and within the amount of an appropriation in the budget, unless there is a sufficient unexpended cash balance of revenues appropriated for a particular purpose, after deducting the total expenditures and the sum of all outstanding orders and encumbrances for such purpose during the current fiscal year. After the budget has been adopted for any fiscal year the council shall have no power to increase the aggregate amount of the appropriations therein, by the insertion of new items or otherwise, un-*

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less the actual receipts from all sources exceed such amount and then not beyond the actual receipts; provided that nothing herein shall prevent the expenditure of the proceeds of bonds for the purpose or purposes for which such bonds have been authorized in accordance with law. The council may by resolution approved by a four-fifths vote reduce the sum appropriated for any purpose, or authorize the transfer of a sum from the unencumbered balance of an appropriation for one purpose to another purpose.

(7) *He may recommend, prepare, and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and amendments thereto.*

(8) *He shall perform such other duties as may be required by law or ordinance.*

Sec. 14. Chapter III, section 13, is amended to read:

Sec. 13. Neither the mayor nor any alderman shall receive any compensation for his services as such officer *except the sum of \$10 for each meeting attended by him, not exceeding five in any month, and except \$100 to be paid to the mayor annually*, but this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving the compensation prescribed by law for such services, *nor shall it prevent reimbursement of aldermen or other officers in accordance with law for expenses necessarily incurred by them in the performance of their duties.*

The city council shall have power, unless otherwise provided herein, to fix the salaries or compensation of all ~~other officers elected or appointed under this charter~~ *department heads, the chief administrative or managerial officer, if any, and the city health officer, treasurer, clerk, attorney, and justices.* Such compensation shall be fixed by resolution in the month of ~~March~~ *April* of each year, and shall not be increased during the year for which it is so fixed. *The compensation, wages, or salaries paid to all other persons employed by the city shall be established by the council and may be changed at any time as the council shall determine.*

Sec. 15. Chapter IV, section 2, is amended to read:

Sec. 2. The city council shall hold regular meetings at such times as it may determine. The mayor or acting mayor *or any three aldermen* may call special meetings of the council whenever deemed necessary or expedient, by notice to each member, delivered personally or left at the usual place of abode of such member. At such

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special meetings no business shall be transacted other than that designated in the call.

Sec. 16. Chapter IV, section 14, is amended by striking the words "street commissioner".

Sec. 17. Chapter V, section 6, is amended to read:

Sec. 6. The city council may determine the time of the commencement of the fiscal year of said city, and, until otherwise determined, such fiscal year shall commence on ~~the second (2d) Monday of March~~ *April 1* of each year.

Sec. 18. Chapter V, section 7, is amended by adding thereto a subsection to read:

Seventh—Such other funds as may be required by the city council or by the laws of the state.

Sec. 19. Chapter V, section 15, is amended to read:

Sec. 15. The city council may, by a vote of ~~two-thirds (2/3) four-fifths~~ of its members, issue the bonds of said city; ~~bearing interest not exceeding eight (8) per cent per annum, and for a time maturing on a date or dates not exceeding one (1) year; in such amounts and under such regulations as the council may prescribe; from date of issue,~~ in anticipation of the taxes and revenues of ~~such the current~~ fiscal year; provided, that the amount of such bonds at any one time outstanding shall not exceed one half (~~1/2~~) of such taxes and revenues ~~as estimated in the current budget; and; provided that such bonds, or the proceeds thereof; shall be applied to the same purposes as the such taxes and revenues in anticipation whereof they were issued.~~ *The city may also issue bonds for all purposes now and hereafter authorized by the laws of the state, by the procedure and upon the conditions prescribed by such laws, and containing such terms and provisions and covenants as the council shall establish by resolution consistent with such laws.*

Sec. 20. *This act shall become effective upon approval by a majority of those voters voting on the question of approval at an election held for that purpose, and upon compliance with Minnesota Statutes, Section 645.021.*

Approved May 12, 1967.

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