

Approved March 28, 1974.

**CHAPTER 337—S.F.No.2970**  
**[Coded in Part]**

*An act relating to the government of cities without home rule charters; providing for a code of statutes relating to cities without home rule charters; amending Minnesota Statutes 1971, Sections 205.05; 205.06, Subdivision 1; 205.08; 412.021, by adding a subdivision; 412.581; 412.631; 412.731; 412.751; 412.871; Chapter 205, by adding a section; Minnesota Statutes, 1973 Supplement, Sections 205.07, Subdivision 1; 412.02, Subdivision 1; 412.021, Subdivision 2; 412.023, Subdivisions 1, 2, and 4; and 465.56, Subdivision 2; repealing Minnesota Statutes, 1973 Supplement, Section 205.041.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 205.05, is amended to read:

**205.05 MUNICIPAL GOVERNMENT; CITIES WITHOUT HOME RULE CHARTERS; TOWN AND STATUTORY CITY ELECTIONS; CANDIDATES, AFFIDAVITS OF CANDIDACY.** Subdivision 1. **AFFIDAVITS OF CANDIDACY.** At every town and ~~village-statutory~~ city regular and primary election, candidates for offices shall file an affidavit of candidacy not more than six weeks nor less than four weeks before the election with the town or ~~village-city~~ city clerk as the case may be. At least two weeks before the first day to file affidavits of candidacy the ~~village-city~~ city clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in his office, and he shall post a similar notice at least ten days before the first day to file affidavits of candidacy. An application also may be signed by not less than five voters and filed on behalf of any qualified voter in the municipality whom they desire to be a candidate; provided that service of a copy of the application shall be made on the candidate and proof of service endorsed on the application before filing. No affidavit or application may be accepted by the proper officer until a fee of \$2.00 is paid to him. The affidavit shall be substantially the same as that required of the candidates for state offices. Upon the receipt of the affidavit and filing fee, the clerk shall place the candidate's name on the official ballot for the election.

Subd. 2. **BALLOTS, PREPARATION, POSTING.** The town or ~~village-city~~ city clerk shall prepare and have printed at the expense of his municipality the necessary tally books and returns and ballots for the election. The ballots shall be printed on light green colored paper. The ballots may not contain any partisan designation for any candidate, and the names of the candidates for each office shall, except as otherwise provided in this subdivision, be arranged on the ballot alphabeti-

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cally, according to the surname of each candidate. In all ~~villages-statu-~~  
town cities, the names of candidates shall be rotated on the ballot in the  
manner provided for the state elections. A sample ballot shall be  
posted at every polling place and in the office of the clerk at least four  
days before the election, by the clerk.

Sec. 2. Minnesota Statutes 1971, Section 205.06, Subdivision 1, is amended to read:

**205.06 TOWN AND CITY ELECTIONS, RETURNS.** Subdivision 1. **COUNT, RETURNS.** After the polls close, the judges for town and ~~village-statu-~~  
town city elections shall forthwith count the votes cast, pro-  
claim the results, and record the same in a tally book provided for that  
purpose. The tally book and returns and the ballots cast shall then be  
returned to the clerk of the municipality.

Sec. 3. Minnesota Statutes, 1973 Supplement, Section 205.07, Subdivision 1, is amended to read:

**205.07 CITY ELECTION.** Subdivision 1. **DATE.** The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year; except that the governing body of any statutory city may, by ordinance passed at a regular meeting held before September 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. Any city which is a village on January 1, 1974 and has before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section. When a city changes its elections from one year to another, and does not provide otherwise by ordinance, the term of any incumbent expiring at a time when no city election is held in the months immediately prior thereto is extended until the date for taking office following the next scheduled city election. If such change results in having three councilmen to be elected at a succeeding election, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years. To the extent necessary to provide for an orderly transition to the odd or even year election plan, the council may adopt supplementary ordinances regulating initial elections, officers to be chosen at such elections, and shortening or lengthening the terms of incumbents and those so elected so as to conform as soon as possible to the regular schedule provided in section 412.02, subdivision 1. Whenever the time for holding the city election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date; and thereafter the regular city election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and similar notification is made.

Sec. 4. Minnesota Statutes 1971, Section 205.08, is amended to  
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read:

**205.08 SPECIAL CITY ELECTION, PETITION, NOTICE.** Special ~~village~~ elections in any statutory city may be ordered by the ~~village-city~~ council upon its own motion, or on a question that has not been submitted to the voters in an election within six months previously, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last regular ~~village-city~~ election. At least ten days' posted notice and two weeks' published notice of the election shall be given to the clerk, clearly stating the questions to be determined. No question so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance. In case of a tie the proposal shall be deemed to have failed. The election officials for any special election shall be the same as the last preceding regular ~~village-city~~ election unless changed according to law. Otherwise the election shall be held in the same manner provided for regular ~~village-city~~ elections.

Sec. 5. Minnesota Statutes, 1973 Supplement, Section 412.02, Subdivision 1, is amended to read:

**412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES.** Subdivision 1. **TERMS.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	<u>Two</u> or <u>four</u>	Every two years except where <u>four years is</u> <u>otherwise provided</u> <u>pursuant to statute</u>	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory <u>standard plan</u> city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory <u>standard plan</u> city in which there is no clerk-treasurer
Clerk- Treasurer	Four	Every four years in year in which one councilman is elected	Every <u>statutory</u> <u>standard plan</u> city where such office exists pursuant to subdivision 3
Three Councilmen	Four	Two every four years and one in alternative year when mayor is elected <u>election</u>	Every <u>statutory</u> <u>standard plan</u> city

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Four Councilmen	Four	Two each election	Every statutory optional plan city
Two Constables	Four	One each election	Every city in which the office has not been abolished pursuant to subdivision 4
Municipal Judge (Number provided by law)	Six	Election year preceding expiration of term	Every city in which a municipal court has been established
Two One Justices Justice of the Peace	Two	At each election	Every statutory city without a municipal court or in which the office is permitted by law and has not been abolished pursuant to subdivision 5

Sec. 6. Minnesota Statutes, 1973 Supplement, Section 412.021, Subdivision 2, is amended to read:

Subd. 2. OFFICERS TO BE ELECTED. ~~Unless such village has adopted an optional plan of government as provided in sections 412.541 to 412.751, there shall be elected a mayor, treasurer, constable and justice of the peace, each for a term expiring the first business day of January of the next even numbered year; a clerk, constable and justice of the peace, each for a term expiring the first business day of January in the next odd-numbered year; and three councilmen, for terms so arranged that one term expires the first business day of January of each of the three years following. If the village has adopted an optional plan There shall be elected at such election a mayor and, where otherwise permitted by law, a justice of the peace, each for a term expiring the first business day of January of the next even-numbered year; a justice of the peace, for a term expiring the first business day of January in the next odd-numbered year; and four councilmen, for terms so arranged that ~~one two expires expire~~ the first business day of January of each of the three years following except that the terms of two councilmen shall expire the year following the year in which the term of the mayor expires the next odd-numbered year and two the first business day of January of the second odd-numbered year. No candidate for councilman shall run for a particular term but the number of years in the term of each successful candidate shall be determined by his relative standing among the candidates for office, the longest ~~term terms~~ going to the ~~candidate two candidates~~ receiving the highest number of votes. If the election occurs in the last four months of the even-numbered year, no election shall be held in the ~~village-city~~ on the annual village-city election day that year, and the next following year shall be disregarded in fixing the expiration of terms of officers chosen under this subdivision at the initial election.~~

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Sec. 7. Minnesota Statutes 1971, Section 412.021, is amended by adding a subdivision to read:

Subd. 5. **INITIAL SALARIES.** After the qualification of its members, the council may by ordinance fix the salaries of the mayor and councilmen. Notwithstanding the provisions of section 415.11, subdivision 2, the ordinance shall not become effective for at least ten days after publication in the official newspaper; and if, before the end of that time a petition asking for an election on the ordinance signed by voters equal to ten percent of the number of voters at the incorporation election is filed with the clerk, the ordinance shall not become effective until it is approved by a majority of the votes cast on the question at a regular or special election.

Sec. 8. Minnesota Statutes, 1973 Supplement, Section 412.023, Subdivision 1, is amended to read:

412.023 **TRANSITION SCHEDULE.** Subdivision 1. **FORMER VILLAGES.** In any city which was a village on January 1, 1974 and which has not, ~~prior to that date~~ by timely action in 1974 or earlier, provided for biennial ~~village~~ odd-numbered year elections under section 412.022, there shall be a municipal election on November 5, 1974, at which there shall be elected the officers who would be elected at that election under the election schedule previously in effect, but they shall be elected for the terms specified in section 412.02, subdivision 1. If, at the 1974 or subsequent election three councilmen are to be elected in any statutory city, and contrary ordinance regulations have not been adopted under subdivision 3, the two persons receiving the highest vote shall serve for terms of four years and the person receiving the third highest number of votes shall serve for a term of two years. In any former village which has provided for biennial elections under section 412.022, subdivision 1, prior to ~~1973-1974~~, the election schedule shall not be changed by the adoption of Laws 1973, Chapter 123.

Sec. 9. Minnesota Statutes, 1973 Supplement, Section 412.023, Subdivision 2, is amended to read:

Subd. 2. **FORMER CITIES AND BOROUGHES.** In each municipality now operating under a general or special law; providing for a biennial election, the city election shall continue to be held in the year in which the election would have been held if this law had not been enacted, but ~~terms of officers elected~~ after Laws 1973, Chapter 123 takes effect in the city, the city election shall be held on the first Tuesday after the first Monday in November and terms of officers elected shall conform to the provisions of section 412.02, subdivision 1. In any such city municipality heretofore holding annual elections, a city election ~~for all officers referred to under section 412.02, subdivision 1~~ shall be held at the time previously prescribed ~~in each of the two years following~~ until the application of Laws 1973, Chapter 123 to the city, and thereafter the city election shall be held on the first Tuesday after the first Monday in November; but terms of officers chosen at those elections

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shall be those specified in section 412.02, subdivision 1. In any such municipality previously holding the biennial elections, the city elections held after January 1, 1974 shall be held in the same year as previously, unless election in a different year is provided hereafter in accordance with section 205.07, subdivision 1.

Sec. 10. Minnesota Statutes, 1973 Supplement, Section 412.023, Subdivision 4, is amended to read:

**Subd. 4. OFFICERS TO BE ELECTED IN FORMER STATUTORY CITIES.** In any statutory city previously operating as a city or borough under a general or special law providing for the election of a clerk ~~and~~ or a treasurer, or a clerk-treasurer, the city shall be deemed to be operating under optional plan A after the expiration of the term of the incumbent clerk or at such earlier time as a vacancy occurs in that office. Notwithstanding any other provision of Laws 1973, Chapter 123 or the statutory city code, any statutory city previously operating under a law providing for a ~~council of more than five members~~ five or more councilmen or for the election of some or all of the councilmen by wards may continue to have a ~~council of the same size as many councilmen~~ councilmen as formerly and to elect councilmen by wards to the extent formerly authorized, but the mayor shall serve as a member of the council and act as its chairman as in other statutory cities; ~~and~~. The mayor shall serve a two year term except where a four year term is provided pursuant to statute and councilmen shall serve four-year terms as in statutory cities generally. The council of any such city may by ordinance adopted prior to September 1 and effective no earlier than the following January, abolish the ward system and provide for a council constituted as in statutory cities generally.

Sec. 11. Minnesota Statutes 1971, Section 412.581, is amended to read:

**412.581 OPTIONAL PLAN "A"; OFFICERS.** In any ~~village city~~ city operating under Optional Plan A except a city having a larger council under Minnesota Statutes, 1973 Supplement, Section 412.023, Subdivision 4, the council shall be composed of five members consisting, except during the initial period of its operation as provided in section 412.571, of the mayor and four councilmen and, except as provided in that section, the clerk and treasurer or clerk-treasurer shall be appointed by the council for indefinite terms.

Sec. 12. Minnesota Statutes 1971, Section 412.631, is amended to read:

**412.631 COMPOSITION OF COUNCIL.** In any ~~village-city~~ city operating under Optional Plan B, the council shall, except as provided in Minnesota Statutes, 1973 Supplement, Section 412.023, Subdivision 4, and section 412.571, be composed of a mayor and four councilmen.

Sec. 13. Minnesota Statutes 1971, Section 412.731, is amended to

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read:

**412.731 MODIFICATION OF BUDGET.** After the budget resolution has been adopted the council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may at any time by resolution approved by ~~four~~ a four fifths ~~vote of all the~~ members of the council reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Sec. 14. Minnesota Statutes 1971, Section 412.751, is amended to read:

**412.751 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 ~~village-city~~ or if any calamity or any other public emergency should subject the ~~village-city~~ to the necessity of making extraordinary expenditures, the council may authorize the sale by the ~~village-city~~ treasurer of emergency debt certificates to run not to exceed two years and to bear interest at not more than ~~six~~ seven percent per year. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget for the following year. The authorization of an issue of such emergency debt certificates shall be given by an ordinance approved by all ~~five~~ the members of the council.

Sec. 15. Minnesota Statutes 1971, Section 412.871, is amended to read:

**412.871 FINES AND PENALTIES.** All fines, forfeitures, and penalties recovered for the violation of any statute or ordinance to which the city is entitled by law shall be paid into the ~~village-city~~ treasury. Every court or officer receiving such moneys, shall make return thereof under oath ~~on or before the tenth day after the last day of the month during which the moneys were received~~ in accordance with law, and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the ~~village city~~ clerk.

Sec. 16. Minnesota Statutes, 1973 Supplement, Section 465.56, Subdivision 2, is amended to read:

Subd. 2. The governing body of any city which was operating under the provisions of Laws 1895, Chapter 8, as amended, on July 1, ~~1975-1973~~, may expend not more than \$5,000 annually for the purpose of advertising the city and its resources and advantages notwithstanding the provision of section 465.57.

Sec. 17. Minnesota Statutes 1971, Chapter 205, is amended by  
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adding a section to read:

**[205.84] WARDS IN CERTAIN CITIES.** Subdivision 1. GENERAL PROVISIONS. In any statutory city electing councilmen by wards, wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each councilman shall be a resident of the ward for which he is elected, but a change in ward boundaries does not disqualify a councilman from serving for the remainder of his term.

Subd. 2. REDEFINING WARD BOUNDARIES. The council may by ordinance redefine ward boundaries after any regular municipal election. Within six months after the official certification of each federal decennial or special census, the council shall either confirm the existing ward boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries to conform to those standards. If the council fails to take either action within the time required, no further compensation shall be paid to the mayor or councilmen until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries shall apply to the first election held at least six months after adoption of the ordinance. No redivision of the city into wards shall be made until the council has held a public hearing on the proposed ordinance after one week's published notice.

Sec. 18. **REPEALER.** Minnesota Statutes, 1973 Supplement, Section 205.041 is repealed.

Sec. 19. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved March 28, 1974.

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**CHAPTER 338—S.F.No.2995**  
[Coded in Part]

*An act relating to municipal industrial development; financing of telephone facilities; amending Minnesota Statutes, 1973 Supplement, Section 474.02, Subdivision 1; and Minnesota Statutes 1971, Sections 474.02, Subdivision 2, and by adding a subdivision; and 474.13.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

Section 1. Minnesota Statutes, 1973 Supplement, Section 474.02, Subdivision 1, is amended to read:

**474.02 MUNICIPAL INDUSTRIAL DEVELOPMENT; TELEPHONE FACILITIES; DEFINITIONS.** Subdivision 1. The term "project"

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