

## CHAPTER 412

## STATUTORY CITIES

412.02 City elections; officers, terms, vacancies.  
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**412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES.**

*[For text of subd 1, see M.S.1980]*

Subd. 2. Terms of elective officers shall commence on the first business day of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 2a. A vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve until the qualification of a successor elected at a regular city election.

*[For text of subs 3 and 5, see M.S.1980]*

**History:** 1981 c 172 s 3,4

**412.191 MEMBERS; POWERS, DUTIES.**

*[For text of subs 1 to 3, see M.S.1980]*

Subd. 4. **Enactment of ordinances.** Every ordinance shall be enacted by a majority vote of all the members of the council except where a larger number is required by law. It shall be signed by the mayor, attested by the clerk and published once in the official newspaper. If the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brierley or eight-point type, as defined in section 331.07. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the

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ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style. "The City Council of ..... ordains:".

**History:** 1981 c 219 s 1

## 412.251 ANNUAL TAX LEVY.

The council shall make its annual tax levy by resolution within the per capita limits established by statute. The amount of taxes levied for general city purposes shall not exceed eleven and two-thirds mills on each dollar of the assessed valuation of the property taxable in the city in cities having an assessed valuation of less than \$1,500,000 and 10 mills on each dollar in cities having an assessed valuation of more than \$1,500,000. In calculating such limit property used for homestead purposes shall be figured as provided in section 273.13, subdivision 7a. The following taxes may be levied in addition to the levies above authorized:

(1) A tax for the payment of principal and interest on outstanding obligations of the city as provided by sections 475.61, 475.73 and 475.74.

(2) A tax for the payment of judgments as authorized by section 465.14.

(4) A maximum of one-third of one mill but not to exceed \$500 to provide musical entertainment to the public in public buildings or on public grounds.

(5) A tax for band purposes as authorized by section 449.09.

(6) A tax for the support of a municipal forest, as authorized by section 459.06.

(7) A tax for advertising purposes, as authorized by section 465.56.

(8) A tax for forest fire protection in any city in a forest area, as authorized by section 88.04.

(9) A maximum of one and two-thirds mills for the utilities fund in any city whose utilities are under the jurisdiction of a public utilities commission. Such tax shall be levied for the purpose of paying the cost of the utility service or other services supplied to the city.

(10) A tax for the support of a public library, as authorized by section 134.07.

(11) A tax for firefighter's relief association purposes as authorized by sections 69.772, subdivision 4, 69.773, subdivision 5, or other statutes.

(12) Such other special taxes as may be authorized by law.

Nothing in this section shall be construed to reduce levies of any municipality below the per capita levy spread in 1970.

**History:** 1Sp1981 c 4 art 1 s 60

## 412.321 MUNICIPAL UTILITIES.

Subdivision 1. **Authority to own and operate.** Any statutory city may own and operate any waterworks, district heating system, or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, hot water, steam, or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

[For text of subds 2 to 4, see M.S.1980]

**History:** 1981 c 334 s 2

**412.351 COMMISSION, JURISDICTION.**

The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission's jurisdiction: (1) the city water system; (2) light and power system, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; (6) district heating system. As used subsequently in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

**History:** 1981 c 334 s 3

**412.361 SPECIFIC POWERS.**

*[For text of subds 1 and 2, see M.S.1980]*

Subd. 3. The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, hot water energy, gas or water, as the case may be, for municipal distribution.

*[For text of subds 4 and 5, see M.S.1980]*

**History:** 1981 c 334 s 4