

CHAPTER 412

STATUTORY CITIES

412.02 City elections; officers, terms,
vacancies.
412.021 Officers.
412.081 Separation from town.
412.093 Dissolution secured by claimants.
412.191 Members; powers, duties.
412.221 Specific powers of the council.
412.251 Annual tax levy.

412.301 Financing purchase of certain
equipment.
412.531 Park funds.
412.541 Optional plans.
412.571 Continuance in office; elections.
412.581 Optional plan A; officers.
412.631 Composition of council.
412.851 Vacation of streets.

412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES.

Subdivision 1. **Officers elected.** 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	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk- Treasurer	Four	Every four years in year in which one council member is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Council members	Four	Two every four years and one in alternative election	Every statutory standard plan city with a council of five
Four Council members	Four	Two each election	Every statutory optional plan city with a council of five
Five Council members	Four	Three every four years and two in alternative election	Every statutory standard plan city with a council of seven
Six Council members	Four	Three each election	Every statutory optional plan city with a council of seven

[For text of subds 2 to 3, see M.S.1988]

Subd. 6. The council may by ordinance adopted at least 60 days before the next regular city election submit to the voters of the city the question of whether the city council should be increased or reduced to seven or five members. The ordinance shall include a schedule of elections and terms to accomplish the change. The proposal shall be voted on at the next city general election and, if approved by a majority of those voting on the question, go into effect in accordance with the schedule.

History: 1989 c 30 s 1,2

412.021 OFFICERS.

[For text of subd 1, see M.S.1988]

Subd. 2. **Officers to be elected.** There shall be elected at the election a mayor for a term expiring the first business day of January of the next odd-numbered year and four or six council members, for terms so arranged that half expire the first business day of January of the next odd-numbered year and half the first business day of January of the second odd-numbered year. No candidate for council member shall run for a particular term but the number of years in the term of each successful candidate shall be determined by the relative standing among the candidates for office, the longest terms going to the half of the elected candidates who received 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 city on the annual 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.

[For text of subd 5, see M.S.1988]

History: 1989 c 30 s 3

412.081 SEPARATION FROM TOWN.

Subdivision 1. **Election, assessment districts.** Any statutory city hereafter organized shall be constituted an election and assessment district separate from the town in which it lies immediately upon incorporation, except that if the incorporation occurs between March 15 and July 1 the town assessor shall assess the property in the city that year and the city assessor shall not assume duties until the following year. Where the town assessor makes the assessment, the city shall pay such proportion of the cost of the assessment as its net tax capacity bears to the assessed valuation of the town, including the city.

[For text of subd 2, see M.S.1988]

Subd. 3. **Distribution of assets, tax levy, joint property.** Upon separation of an existing city from the town or upon incorporation of a city hereafter, if there is any money in the town treasury in excess of its then floating indebtedness, such proportion of the excess as the total net tax capacity of the real and personal property within the city bears to the entire net tax capacity of the town, including the city, shall belong to the city and shall be paid to the city treasurer by the town treasurer. All town taxes levied upon property within the city before separation and not yet collected or not yet distributed by the county treasurer shall be paid to the city when so distributed. If the town has any bonded debt, the property within the city shall continue to be taxed to retire the bonds and to pay the interest thereon until the bonds are fully paid. Any personal property belonging to the town at the time of separation, and any real estate situated within the city and belonging to the town at that time shall remain the joint property of the city and town with the interest of each being proportional to its net tax capacity at the time of separation; but either the city or the town may purchase the interest of the other in such real or personal property and become its sole owner. Meetings and elections of the town may be held in the city and any town officer may maintain an office in the city notwithstanding such separation.

History: 1989 c 329 art 13 s 20

412.093 DISSOLUTION SECURED BY CLAIMANTS.

[For text of subds 1 to 4, see M.S.1988]

Subd. 5. **Tax levy.** The court shall provide for the spreading of a tax levy on all the taxable property within the former city over such period of years, not exceeding 30, as the court directs, taking into account the amount of the bonds and claims and the total taxable net tax capacity of the property to be taxed.

[For text of subd 6, see M.S.1988]

Subd. 7. **Property and rights of statutory city.** All city property and all rights of the city shall upon dissolution inure in the town as the legal successor to the city. If the city lies in more than one town, surplus cash assets shall be distributed to the respective towns in proportion to the net tax capacity of that portion of the city lying in each; and the court shall determine the disposition of other unsold city property in such cases.

History: 1989 c 329 art 13 s 20

412.191 MEMBERS; POWERS, DUTIES.

Subdivision 1. **Composition of city council.** The city council in a standard plan city shall consist of the mayor, the clerk, and the three or five council members. In optional plan cities, except those cities having a larger council under section 412.023, subdivision 4, the council shall consist of the mayor and the four council members. A majority of all the members shall constitute a quorum although a smaller number may adjourn from time to time.

Subd. 2. **Meetings of the council.** Regular meetings of the council shall be held at such times and places as may be prescribed by its rules. Special meetings may be called by the mayor or by any two members of a five-member council or three members of a seven-member council by writing filed with the clerk who shall then mail a notice to all the members of the time and place of meeting at least one day before the meeting. The mayor or, in the mayor's absence, the acting mayor, shall preside. All meetings of the council shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish nonattendance and shall be the judge of the election and qualification of its members. The council shall have power to regulate its own procedure.

[For text of subds 3 and 4, see M.S.1988]

History: 1989 c 30 s 4,5

412.221 SPECIFIC POWERS OF THE COUNCIL.

[For text of subd 1, see M.S.1988]

Subd. 2. **Contracts.** The council shall have power to make such contracts as may be deemed necessary or desirable to make effective any power possessed by the council. The city may purchase personal property through a conditional sales contract and real property through a contract for deed under which contracts the seller is confined to the remedy of recovery of the property in case of nonpayment of all or part of the purchase price, which shall be payable over a period of not to exceed five years. When the contract price of property to be purchased by contract for deed or conditional sales contract exceeds one percent of the net tax capacity of the city, the city may not enter into such a contract for at least ten days after publication in the official newspaper of a council resolution determining to purchase property by such a contract; and, if before the end of that time a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular city election is filed with the clerk, the city may not enter into such a contract until the proposition has been approved by a majority of the votes cast on the question at a regular or special election.

[For text of subds 3 to 34, see M.S.1988]

History: 1989 c 329 art 13 s 20

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 0.28207 percent of taxable market value in cities having a taxable market value of less than \$6,200,000 and 0.24177 percent of taxable market value in cities having a taxable market value of more than \$6,200,000. 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;
- (3) a maximum of 0.00805 percent of taxable market value but not to exceed \$500 to provide musical entertainment to the public in public buildings or on public grounds;
- (4) a tax for band purposes as authorized by section 449.09;
- (5) a tax for the support of a municipal forest, as authorized by section 459.06;
- (6) a tax for advertising purposes, as authorized by section 469.189;
- (7) a tax for forest fire protection in any city in a forest area, as authorized by section 88.04;
- (8) a maximum of 0.04030 percent of taxable market value for the utilities fund in any city whose utilities are under the jurisdiction of a public utilities commission. The tax shall be levied for the purpose of paying the cost of the utility service or other services supplied to the city;
- (9) a tax for the support of a public library, as authorized by section 134.07;
- (10) a tax for firefighters' relief association purposes as authorized by sections 69.772, subdivision 4, 69.773, subdivision 5, or other statutes; and
- (11) other special taxes 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: 1989 c 277 art 4 s 44

412.301 FINANCING PURCHASE OF CERTAIN EQUIPMENT.

The council may issue certificates of indebtedness or capital notes subject to the city debt limits to purchase public safety equipment, ambulance equipment, road construction or maintenance equipment, and other capital equipment having an expected useful life at least as long as the terms of the certificates or notes. Such certificates or notes shall be payable in not more than five years and shall be issued on such terms and in such manner as the council may determine. If the amount of the certificates or notes to be issued to finance any such purchase exceeds 0.25 percent of the market value of taxable property in the city, they shall not be issued for at least ten days after publication in the official newspaper of a council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular municipal election is filed with the clerk, such certificates or notes shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such certificates or notes, in accordance with section 475.61, as in the case of bonds.

History: 1989 c 1 s 5

412.531 PARK FUNDS.

Subdivision 1. Establishment, transfer; tax levies. For the purpose of carrying out the powers of the park board there shall be established in the city treasury a special fund to be called a park fund. The council may transfer to the park fund the money it deems necessary for park purposes. No later than September 1 of each year the park board shall present to the council in the detail the council requires its estimate of the financial

needs of the board for the ensuing fiscal year. In any county having a population of more than 200,000 the council of any city, whether having a park board or not, may annually levy a tax not to exceed 0.01620 percent of taxable market value for park purposes. The proceeds of this tax shall be placed in the park fund.

[For text of subd 2, see M.S.1988]

History: 1989 c 277 art 4 s 45

412.541 OPTIONAL PLANS.

[For text of subds 1 and 2, see M.S.1988]

Subd. 4. Adoption or abandonment; standard form. Any one of such plans may be adopted or abandoned in a city by following the procedures set forth in section 412.551. Until the adoption of an optional plan, and except as provided in section 412.572, every city shall operate under the standard form of government earlier provided in this chapter under which the voters elect the treasurer, if there is one, and a council consisting of a mayor, three or five council members, and the clerk or clerk-treasurer.

History: 1989 c 30 s 6

412.571 CONTINUANCE IN OFFICE; ELECTIONS.

Subdivision 1. Composition of council. When an optional plan is first adopted in any statutory city in which the standard plan of statutory city government is then in operation, the council shall continue as then constituted until the expiration of the term of the incumbent clerk. At the city election preceding expiration of the term of the incumbent clerk, one council member shall be elected in addition to the council member or council members who would otherwise be chosen at the election. If a minority of the other council members is chosen at the election, the term of the additional council member chosen at the election shall be four years, but if a majority of the other council members is chosen at the election, the initial term of the additional council member chosen at the election shall be two years. At each regular election thereafter, council members shall be elected for four-year terms. If the optional plan is adopted at the regular city election at which the office of clerk is to be filled, the candidate elected to that office at the election shall not assume the office of clerk in January, but shall become the additional council member unless appointed clerk under the optional plan, in which case the unfilled office of council member shall be considered vacant.

[For text of subds 2 and 3, see M.S.1988]

Subd. 4. Abandonment; incumbent council members continue. When any optional plan is abandoned and the standard form of city government is resumed, terms of then incumbent council members shall not be affected by the abandonment; but until the first business day of January following the next regular city election, the clerk shall not serve as a member of the council. At the city election preceding that date one council member less shall be elected.

[For text of subd 5, see M.S.1988]

History: 1989 c 30 s 7,8

412.581 OPTIONAL PLAN A; OFFICERS.

In any city operating under Optional Plan A except a city having a larger council under section 412.023, subdivision 4, the council shall be composed of five or seven members consisting, except during the initial period of its operation as provided in section 412.571, of the mayor and four or six council members and, except as provided in that section, the clerk and treasurer or clerk-treasurer shall be appointed by the council for indefinite terms.

History: 1989 c 30 s 9

412.631 COMPOSITION OF COUNCIL.

In any city operating under Optional Plan B, the council shall, except as provided in sections 412.023, subdivision 4, and 412.571, be composed of a mayor and four or six council members.

History: 1989 c 30 s 10

412.851 VACATION OF STREETS.

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at or abuts upon any public water, no vacation shall be made unless written notice of the petition or proposed resolution is served by certified mail upon the commissioner of natural resources at least 30 days before the hearing on the matter. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be filed with the county recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

History: 1989 c 183 s 4