

**FRIDLEY CITY CODE**  
**APPENDIX F: SALE OF REAL ESTATE AND CITY CHARTER CHANGES**

**F-1: ORDINANCE NO. 485, ADOPTED 8/2/71**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota described as follows:

All that part of Lot 38, Auditor's Subdivision No. 39, described as follows; Commencing at a point on the south line of Section 34, Township 30, Range 24, a distance of 156.0 feet east of the southwest corner of the SE 1/4 of said Section 34; thence north, at right angles to said section line, a distance of 40 feet to the northerly right-of-way line of 37th Avenue N.E., being the actual point of beginning; thence continuing north, on the same line extended, a distance of 360 feet; thence easterly, parallel with and 400 feet north of said section line, a distance of 301.10 feet, more or less, to its intersection with the westerly right-of-way line of the East River Road, as now laid out and constructed; thence southerly, along said right-of-way line, a distance of 367.57 feet, more or less, to its intersection with the northerly right-of-way line of 37th Avenue N.E.; thence westerly, along said right-of-way line, a distance of 257.98 feet, more or less, to the actual point of beginning, except for

That part of Lot 38, Auditor's Subdivision No. 39, Anoka County, Minnesota, described as follows: Commencing at a point on the south line of Section 34, Township 30, Range 24, distance 156 feet east of the southwest corner of the SE 1/4 of said Section 34; thence north, at right angles to said south line, a distance of 400 feet; thence easterly, parallel with and distant 400 feet north of said south line, a distance of 112.60 feet to the actual point of beginning; thence south, at right angles to last described line, a distance of 120 feet; thence east, at right angles to last described line, a distance of 175 feet, more or less, to its intersection with the westerly right-of-way line of East River Road; thence northerly, along the said right-of-way line, a distance of 120.80 feet, more or less, to its intersection with a line parallel with and distant 400 feet north of the south line of said Section 34; thence westerly, along said parallel line, a distance of 188.5 feet, more or less, to the actual point of beginning. Containing 0.50 acres.

Together with a 20 foot wide road easement described as follows: Beginning at the southeast corner of the above described tract; thence southerly, along the westerly right-of-way line of East River Road, to its intersection with the northerly right-of-way line of 37th Avenue N.E.; thence westerly, along said northerly right-of-way line, to its intersection with a line parallel with and distant 30 feet west of the westerly right-of-way line of said East River Road; thence northerly, along said parallel line, to its intersection with the southerly line of the above described tract; thence easterly, along said southerly line, to the point of beginning.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and the City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-2: ORDINANCE NO. 488, ADOPTED 9/20/71**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota described as follows:

All that part of Lots 16 and 17, Auditor's Subdivision No. 88, or the part of the SW 1/4 of Section 13, Township 30, Range 24, Anoka County, Minnesota, described as follows:

Beginning at the intersection of the southeasterly right-of-way line of State Highway No. 65 and the south line of said SW 1/4 of Section 13; thence east along the south line of said SW 1/4 for a distance of 232 feet to a point, said point being 1,294.80 feet, more or less, west of S 1/4 corner of said Section 13; thence north at right angles to the last described line for a distance of 285.54 feet; thence northwesterly with a deflection angle to the left of 78 degrees 54 minutes 09 seconds for a distance of 163.61 feet, more or less, to the said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way line; thence southwesterly along said southeasterly right-of-way to the point of beginning. Subject to a 30 foot wide easement for road purposes along the northwesterly side, except part for highway.

Plat 54161, Parcel 1820, Anoka County, City of Fridley, Minnesota.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-3: ORDINANCE NO. 536, ADOPTED 5/7/73**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota described as follows:

The north 50 feet of the east 150 feet of the SE 1/4 of the SW 1/4 of Section 11, Township 30, Range 24.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-4: ORDINANCE NO. 539, ADOPTED 6/4/73**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows:

All that part of the easterly 300 feet of the northerly 30 feet that lies within that part of Lot 8, Second Revision Auditor's Subdivision No. 21 described as follows: Commencing at the southwest corner of said Lot 8; thence east along the south line of said Lot 8 to the intersection with the east right-of-way line of Oakley Drive as laid out in said Second Revision Auditor's Subdivision No. 21; thence deflect to the left 135 degrees in a straight line to the intersection of the northerly extension of the west right-of-way line of said Oakley Drive; thence north along the northerly extension of the west right-of-way line of said Oakley Drive to a line 30 feet south of the northerly line of said Lot 8; thence south along the west line of said Lot 8 to the point of beginning, there terminating.

All lying in Section 13, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-5: ORDINANCE NO. 577, ADOPTED 1/6/75**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows:

Lots 10 - 15, Block 6, Oak Grove Addition. All lying in Section 13, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-6: ORDINANCE NO. 580, ADOPTED 2/24/75**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows:

That part of Lot 38, Auditor's Subdivision No. 39, Anoka County, Minnesota, described as follows: Commencing at a point on the south line of Section 34, Township 30, Range 24, distant 156 feet east of the southwest corner of the SE 1/4 of Section 34; thence north, at right angles to said south line, a distance of 400 feet; thence easterly parallel with and distant 400 feet north of said south line, a distance of 112.60 feet to the actual point of beginning; thence south at right angles to the last described line, a distance of 120 feet; thence east, at right angles to last described line, a distance of 175 feet, more or less, to its intersection with the westerly right-of-way line of East River Road, thence northerly, along the said right-of-way line, a distance of 120.8 feet, more or less, to its intersection with a line parallel with and distant 400 feet north of the south line of said Section 34; then westerly, along said parallel line, a distance of 188.5 feet, more or less, to the actual point of beginning. Containing 0.50 acres.

Together with a 20 foot wide road easement described as follows: Beginning at the southeast corner of the above described tract; thence southerly, along the westerly right-of-way line of East River Road, to its intersection with the northerly right-of-way line of 37th Avenue N.E.; thence westerly, along said northerly right-of-way line, to its intersection with a line parallel with and distant 30 feet west of the westerly right-of-way line of said East River Road; thence northerly, along said parallel line, to its intersection with the southerly line of the above described tract; thence easterly, along said southerly line, to the point of beginning.

All lying in Section 34, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.

3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-7: ORDINANCE NO. 592, ADOPTED 8/4/75**

**AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF FRIDLEY.**

Section 2.03, paragraph 6, ELECTED OFFICIALS. The term of Mayor and of each Councilman shall begin on the first official business day in the month of January next following his election and shall end when his successor has been duly elected and has qualified. The first order of business at the first official Council Meeting in January shall be the swearing in of the newly elected members of the Council. The Council shall be the judge of the election of its members.

Section 2.06 of the Fridley City Charter is hereby repealed. Section 2.06A of the Fridley City Charter is hereby repealed.

Section 2.08, paragraph 2, INVESTIGATION OF CITY AFFAIRS. Any member of the Council may request in writing any specific information relating to any department via the City Manager. The City Manager shall respond in writing within a reasonable period of time.

Section 4.03 PRIMARY ELECTIONS. On the first Tuesday after the second Monday of each September there shall be a primary election for the selection of two nominees for each elective office at the regular municipal election, unless only two nominees file for each elective office.

Section 4.05 JUDGES AND CLERKS OF ELECTION. The Council shall at least 25 days before each municipal election appoint three qualified voters of each voting precinct to be judges of elections therein and two qualified voters of the same precinct to be clerks of election, or as many more or less as may be determined by the Council. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning a referendum or recall shall be eligible to serve as a judge or clerk of such election.

Section 4.08 CANVASS OF ELECTIONS AND TAKING OF OFFICE. The Council shall meet and canvass the election returns within seven (7) calendar days after any regular or special elections, and shall make full declaration of the results as soon as possible and file a statement thereof with the City Clerk, and said statement shall be made a part of the minutes.

Section 7.02 POWER OF TAXATION. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the state which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed 16 mills on each dollar of the assessed valuation of the property taxable in the City. In calculating such limit, the assessed value of property used for homestead purposes shall be determined as now provided in Minnesota Statutes, Section 273.13, Subdivision 7a.

Section 7.02 Section B, POWER OF TAXATION. The City Council may also levy a tax in any year against real and personal property within the City in addition to said 16 mill limitation and levies specified.

Section 7.03 BOARD OF REVIEW. The Council shall constitute a board of review and shall meet as such in the usual place for holding Council meetings to equalize the assessed valuations according to law, and a published notice of such meeting shall be given in the official newspaper of the City at least ten (10) days prior to the day of said meeting.

**Section 7.17 DEBT AND TAX ANTICIPATION CERTIFICATES.**

- (a) 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, as provided for in the budget or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Council may authorize the sale by the City Treasurer of emergency debt certificates to run not to exceed eighteen (18) months and to bear interest at not more than allowable by State Statutes. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by at least four (4) of the members of the Council; the ordinance, may if deemed necessary, be passed as an emergency ordinance.
- (b) For the purpose of providing necessary moneys to meet authorized expenditures, the Council may issue certificates of indebtedness in any year prior to the receipt of taxes payable in such year, on such terms and conditions as it may determine, bearing interest at a rate not more than allowable by State Statutes; provided that such certificates outstanding at any one time shall not exceed 40% of the tax levy payable in the current year belonging to the fund for the benefit of which the borrowing is authorized.

**Section 10.04 POWER OF REGULATION RESERVED.** The City shall have the right and power to regulate and control the exercise by a corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

**Section 12.07 VACATION OF STREETS.** The Council shall have the exclusive power, by ordinance passed by a vote of at least four (4) members of the Council, to vacate or discontinue highways, streets, easements, and alleys within the City. Such vacations may be made only after notice, and hearing of affected property owners, and upon such further terms, and by such procedure as the Council may by ordinance, prescribe. A record of each vacation shall be filed in the office of the Register of Deeds of Anoka County.

Section 12.11 of the Fridley City Charter is hereby repealed.

**F-8: ORDINANCE NO. 625, ADOPTED 10/25/76****AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF FRIDLEY.**

**Section 5.02 EXPENDITURES BY PETITIONERS.** No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, or service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200.00 for stationary, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within 5 days following the filing of a petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto.

**Section 5.03 FURTHER REGULATIONS.** A lawful petition under this Charter may be certified, signed and circulated upon an ordinance to be initiated, an ordinance to be made the subject of a referendum and a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota, and reasons stated in the Certificate, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter and under provisions of law as may be elsewhere provided.

A petition under this Charter shall be filed in the office of the City Clerk as one instrument, which instrument shall contain any instrument required, a copy of any ordinance proposed, covered or affected, any other document (appropriate to the petition) and all the signature papers and affidavits attached in support of the same. A petition may be signed by any elector. A petition can be circulated and verified only by an elector who has signed the same. All the signatures on any petition need not be on one signature paper. The circulator of every paper shall verify by affidavit attached that he (she) was the circulator of the same, that each signature was signed in his (her) presence, and is of the person that same purports to be and that each signer affirmed that he (she) was an elector at the residence stated thereon. Any paper lacking such affidavit or verified by an affidavit false and untrue is insufficient and void of effect.

The City Clerk shall be responsible for determining the validity of signatures. If it is obvious the signature on the petition is the signature of the person on the Voter Registration Card with which the signature is compared, the signature shall be counted as a valid signature, notwithstanding the fact that the person may have signed the petition in a different manner when they signed the Voter Registration Card. Before discarding a signature, a reasonable effort shall be made to contact the person(s) in question to determine, if, in fact, they did sign the petition.

The insufficiency or irregularity of a petition shall not prejudice the filing of any new petition for the same purpose, nor shall it prevent the Council from referring any ordinance proposed to the electorate at the next Regular or Special election, or otherwise acting favorably upon the same. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this Charter as it deems necessary.

The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, shall promptly forward such information to the proper authority for prosecution under State Statutes applying thereto.

Section 5.05 FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten percent (10%) of the total number of registered voters as of January 1st of that year. Each signature paper shall be in substantially the following form:

**INITIATIVE PETITION**

Proposing an ordinance . . . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

NameAddress

- 1. . . . .
- 2. . . . .
- 3. . . . .
- 4. . . . .
- 5. . . . .

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

NameAddress

- 1. ....
- 2. ....
- 3. ....

At the end of the list of signatures shall be appended the affidavit of the circulator mentioned above.

Section 5.06 FILING OF PETITIONS AND ACTION THEREON. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of regular voters.

If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall file it in his office and shall notify each member of the committee of that fact.

Section 5.08 INITIATIVE BALLOTS. The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on question of adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two or more initiative ordinances approved by the electors, the ordinances shall not go into effect until the City Council has had 60 days to resolve the inconsistencies.

Section 5.13 THE RECALL. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City in accordance with procedures established in Section 5.03. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 5.14 RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Each signature paper shall be in substantially the following form:

**RECALL PETITION**

Proposing the recall of ..... from his office as ..... which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

NameAddress

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

NameAddress

- 1. ....
- 2. ....
- 3. ....

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.19 INSTRUCTIONS TO PETITIONERS. The City Clerk shall provide to every person circulating a petition for the initiation of charter amendments, for a referendum, or the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts.

Section 6.04 SUBORDINATE OFFICERS. There shall be a City Clerk, City Treasurer, City Attorney, and such other officers subordinate to the City Manager as the Council may provide for by ordinances. The City Attorney and/or legal officer(s) shall be appointed by the City Manager with approval of the Council. The City Clerk shall be subject to the direction of the City Manager and 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 shall be ordained by the Council. He may be designated to act as Secretary of the Council. 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.

Section 6.05 PURCHASES AND CONTRACTS. The City Manager shall be the Chief Purchasing Agent of the City. All purchases on behalf of the City shall be made, and all contracts let, by the City Manager, provided that the approval of the Council must be given in advance whenever the amount of such purchase or contract exceeds the amount stated in the State Statutes. All contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City, as well as by the City Manager, and shall be executed in the name of the City.

Section 6.06 CONTRACTS, HOW LET. In all cases of contracts for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the City, which require an expenditure of more than that which is set by the State Statutes, unless the Council shall by an emergency ordinance otherwise provide, the City Manager shall advertise for bids by at least 10 days published notice in the official newspaper. When a bid is required, it shall be let to the lowest responsible bidder as determined by the Council. The Council may, however, reject any and all bids. Nothing contained in this Section shall prevent the Council from contracting for the doing of work with patented processes, or from the purchasing of patented appliances.

Section 7.04 PREPARATION OF ANNUAL BUDGET. The City Manager shall prepare the estimates for the annual budget which shall include any estimated deficit for the current year. The estimates of expenditures shall be submitted by each department to the City Manager. Each estimate shall be divided into three major subdivisions as follows: (a) Salaries and Wages, (b) Ordinary Expenses, (c) Capital Outlay. Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify request. Ordinary expenses

shall be broken down into such detail as the City Manager shall direct. Capital Outlay shall be itemized as to items and amounts.

In parallel columns shall be added the amounts expended under similar heads for the two preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the City Manager shall prepare a detailed statement of revenues collected for the two preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The estimates shall be submitted to the Council at its first regular monthly meeting in August and shall be published in summary in the official publication prior to the August meeting.

**Section 7.05 PASSAGE OF THE BUDGET.** The budget shall be the principal item of business at the first regular monthly meeting of the Council in August, and the Council shall hold subsequent meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in such detail as may be determined by the City Council, the complete financial plan of the City for the ensuing fiscal year, and shall be signed by the majority of the Council upon being adopted. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 7.04. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget during the month of October by ordinance which shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 7.04. The budget ordinance as adopted shall be published in the official publication.

**Section 7.09 LEVY AND COLLECTION OF TAXES.** On or before the 5th day of November, each year the Council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The City Clerk shall transmit to the County Auditor annually not later than the 10th of November, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into a suspense fund, and shall be used to reduce the levy for the ensuing year.

**Section 7.14 ACCOUNTS AND REPORTS.** The City Manager shall be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances in accord with it. He shall submit to the Council a statement each month showing the amount of money in custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the Council may require. The Council may at any time and shall annually provide for an audit of the City finances by a certified public accountant or by the department of the state authorized to make examinations of the affairs of municipalities. On or before the first day of April in each year the City Manager shall prepare a complete financial statement in form approved by the Council of the City's financial operations for the preceding calendar year, and quarter, which statement may be published in such manner as the Council may direct and a summary thereof shall be published in the official newspaper on or before the third week in April, July, October, and January as appropriate.

**Section 10.05 RATES AND CHARGES.** Every public utility or franchisee making use of the street or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be

construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within

these limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five years.

Section 10.06 PROVISIONS OF FRANCHISES. Every franchise shall contain, among other things, provisions relating to the following:

- (1) The term of the franchise granted, which shall not exceed 25 years.
- (2) Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
- (3) The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.
- (4) The prompt repair by the public utility or franchisee of all damages to the public streets, alleys and public property occasioned by the acts or omissions of the public utility or franchisee.
- (5) The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
- (6) The power and right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.
- (7) The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise or the value thereof, if any.

Section 10.09 PUBLIC HEARINGS. Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council, in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine.

**F-9: ORDINANCE NO. 635, ADOPTED 2/28/77**

**AN ORDINANCE RELATING TO THE SALE OR EXCHANGE OF REAL ESTATE OWNED BY THE CITY TO THE COUNTY OF ANOKA.**

1. The City of Fridley is the fee owner of the tracts of land within the City of Fridley, County of Anoka, State of Minnesota described as follows:
  - (a) The west 642 feet of Lot 1, Revised Auditor's Subdivision No. 10, Anoka County, Minnesota according to the map or plat thereof on file and of record in the office of the Registrar of Titles in and

for Anoka County, Minnesota excepting those portions described as follows: That portion of Lot 1

platted as Dennis Addition and except that portion of Lot 1 lying north of a line drawn parallel with the north line of said Lot 1 and 550 feet south, measured along the west line of said Lot 1, from the northwest corner of said Lot 1, and the extension thereof.

(b) The south 687 feet of the E 3/4 of the NE 1/4 of the NE 1/4 of Section 13, Township 30, Range 24, City of Fridley, Anoka County, State of Minnesota. Subject to that part of New Brighton.

(c) Tract A, Registered Land Survey No. 3, according to the survey on file in the office of the Registrar of Titles, Anoka County, State of Minnesota.

(d) Outlot A, Timber Ridge according to the recorded plat thereof on file and of record in the Office of the Registrar of Deeds, Anoka County, State of Minnesota, for public park use.

All lying in Section 13, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

2. It is hereby determined by the Council that the City no longer has any reason to continue to own said properties and the Council is hereby authorized to sell or exchange said properties to the County of Anoka.
3. The Mayor and City Manager are hereby authorized to sign the necessary deeds to effect the sale or exchange of the above described real estate.

**F-10: ORDINANCE NO. 668, ADOPTED 1/23/78**

**AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota described as follows: The south 5 feet of the east 180 feet of the west 210 feet of Lot 45, Auditor's Subdivision No. 92, Section 24, Township 30, Range 24.
2. It is hereby determined by the Council that the City no longer has any reason to continue to own said properties and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale or exchange of the above described real estate.

**F-11: ORDINANCE NO. 681, ADOPTED 6/19/78**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF.**

That part of Lot 27, Auditor's Subdivision No. 92, that lies south and east of the following described line:

Beginning at a point 30 feet east of the west line of Auditor's Subdivision No. 92 and on the center line of Gardena Avenue, as laid out in Meloland Gardens extended easterly; thence in a northeasterly direction in a straight line to a point located in the east line of Lot 28, Auditor's Subdivision No. 92, of which is located 63 feet measured southerly along said lot line from the center line of Gardena Avenue as dedicated and shown in said Auditor's Subdivision No. 92 thence terminating.

All lying in the N 1/2 of Section 24, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota is hereby declared to be surplus property, and the City Council is hereby authorized to sell the same.

**F-12: ORDINANCE NO. 682, ADOPTED 7/10/78****AN ORDINANCE RELATING TO THE SALE OR EXCHANGE OF REAL ESTATE OWNED BY THE CITY TO THE COUNTY OF ANOKA.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows: Lots 43 and 44, Block 12, Spring Brook Park Addition. All lying in Section 3, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.
2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale or exchange of the above described real estate.

**F-13: ORDINANCE NO. 697, ADOPTED 8/13/79****AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF.**

All that part of Lot 9, Auditor's Subdivision No. 25, lying northerly of the following described line: Commencing at the northeast corner of said Lot 9; thence south along the east line of Lot 9 a distance of 49.4 feet to the actual point of beginning. Thence deflect to the right in a west-northwesterly direction along a line to its point of intersection with the north line of said Lot 9, said point being 335.8 feet west of the northeast corner of said Lot 9, and there terminating. Is hereby declared to be surplus property, and the City Council is hereby authorized to sell the same.

**F-14: ORDINANCE NO. 708, ADOPTED 3/17/80****AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY OF FRIDLEY.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows: Lots 12 and 13, Block 20, Fridley Park. All lying in Section 15, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.
2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

**F-15: ORDINANCE NO. 759, ADOPTED 10/4/82****AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY OF FRIDLEY TO HOUSING AUTHORITY FOR OFFICE BUILDING.**

1. That the Center City Redevelopment District was established for the promotion of the improvement of the district for the health, safety and general welfare of the City of Fridley.
2. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows: The southerly 40 feet of Lot 12, Block 2, Ree's Addition to Fridley Park including the westerly 3.63 feet of adjacent vacated alley right-of-way; along with the Northerly 1/2 of the adjacent 64th Avenue right-of-way.
3. It is hereby determined by the City Council that the Council in the interest of promoting the Center City Redevelopment District is hereby authorized to sell said property.

4. The Mayor and City Clerk are hereby authorized to sign the necessary deeds to effect the sale of the above described real estate.

**F-16: ORDINANCE NO. 760, ADOPTED 10/4/82  
AN ORDINANCE RELATING TO THE SALE OF REAL ESTATE OWNED BY THE CITY OF FRIDLEY TO HOUSING AUTHORITY FOR PARKING LOT.**

1. That the Center City Redevelopment District was established for the promotion of the improvement of the district for the health, safety and general welfare of the City of Fridley.
2. The City of Fridley is the fee owner of the tract of land within the City of Fridley, County of Anoka, State of Minnesota, described as follows: The southerly 12.8 feet of Lot 6, along with all of Lots 7, 8, 9, 10 and 11, Block 2, Ree's Addition to Fridley Park including the easterly 8.37 feet of adjacent vacated alley right-of-way; along with the Northerly 1/2 of the adjacent 64th Avenue right-of-way.
3. It is hereby determined by the City Council that the Council in the interest of promoting the Center City Redevelopment District is hereby authorized to contract to sell said property.
4. The Mayor and City Clerk are hereby authorized to sign the necessary contracts to effect the sale of the above described real estate.

**F-17: ORDINANCE NO. 767, ADOPTED 2/7/83  
AN ORDINANCE AMENDING SECTION 3.07 OF THE CITY CHARTER OF THE CITY OF FRIDLEY**

Section 3.07 SIGNING AND PUBLICATION OF ORDINANCES AND PUBLICATION OF MINUTES. Every ordinance passed by the Council shall be signed by the Mayor, or by three (3) other members of the Council, and attested by the City Clerk upon passage thereof and shall be by him filed and recorded in a book kept for that purpose and preserved. Every ordinance shall be published at least once in the official newspaper of the City. 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 four (4) affirmative votes 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. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within twenty (20) days after publication of the ordinance or its title and summary. All resolutions and motions duly passed at each meeting of the Council may, in the discretion of the Council, be published in full or in part in the official newspaper of the City. Any administrative rule or regulation of any department of the State of Minnesota affecting the City or any statute of the State of Minnesota, or any published Code, specifications or regulations prepared by an official or unofficial organization for general circulation in use may be adopted and incorporated in an ordinance by reference thereto and by marking the three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk, and the publication requirements of this Charter shall be as fully satisfied in such cases by this method as if the said material has been set forth in the ordinance in full.

**F-18: ORDINANCE NO. 776, ADOPTED 6/20/83**  
**AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF FRIDLEY**

**Section 2.03. ELECTED OFFICERS**

The Council shall be composed of a Mayor and four Councilmen who shall be qualified voters. The Mayor shall be elected at large for a term of three (3) years, (except the first Mayor to be elected in 1957 shall be for a term of two (2) years).

One Councilman shall be elected at large for a term of three (3) years except that of the first such Councilman-at-Large under this Chapter, (shall be the incumbent elected last year, 1956, with two (2) years remaining of term and he shall be considered to serve two (2) years as Councilman-at-Large to 1959).

Three Councilmen shall be elected for terms of three (3) years each from three (3) separate wards of the City, as designated below, except that the first Councilman for Ward No. 2 under this Charter, shall be the Councilman having one (1) year of term yet to serve, and shall be considered Councilman for his Ward 2 for a one (1) year term to expire in 1958. The Councilmen from Wards 1 and 3 shall be elected this year, 1957, each for terms of three (3) years.

Upon adoption of this Charter, the City is divided into three (3) separate wards as follows:

- (a) Ward No. 1 shall be the area comprising all of election district No. 1. Refer to Page 4-5 of "Voting Procedures" adopted by Village Council.
- (b) Ward No. 2 shall be the area comprising all of election district No. 2.
- (c) Ward No. 3 shall be the area comprising all of election district No. 3.

The Councilman from a ward must be a resident of such ward and his ceasing to be a resident thereof shall cause a vacancy in the office of Councilman from such ward; provided that a change in ward boundaries during his term of office shall not disqualify him from serving out his term.

The term of Mayor and of each Councilman shall begin on the first official business day in the month of January next following his election and shall end when his successor has been duly elected and has qualified. The first order of business at the first Official Council Meeting in January shall be the swearing in of the newly elected members of the Council. The Council shall be judge of the election and its members.

The boundaries of the three (3) wards shall be redetermined from time to time by ordinances duly adopted by the Council, and based on the findings of the Council that the wards so redetermined are such that the population of any ward shall not deviate by more than one percent (1%) from the average of the three (3) wards.

After each decennial census of the United States, the Council shall redetermine ward boundaries. This redetermination shall be accomplished no less than one hundred (100) days prior to the legally determined date of the municipal primary of the year ending in the digit two, and if the Council shall fail to do so their remuneration shall be forfeited until the wards of the City are duly redetermined as required by this Charter.

**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 the death, resignation, removal from office, removal from the City, removal of a ward Councilman from his ward,

continuous absence from the City for more than three (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 Councilman 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 shall forthwith call a special election to be held not less than 45 days nor more than 60 days from the time such vacancy is declared. In the case of a Special Election to fill the vacancy, there shall be no primary election. The candidate receiving the largest number of votes shall be declared the winner. The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term. If at any time the membership of the Council is reduced to less than four (4) members, the remaining members may, by unanimous action, appoint additional members to raise the membership to four (4). The order of filling vacancies by appointment shall be as follows:

- (a) If the terms vacant are for different lengths, the appointment will be to the seat with the shortest remaining term.
- (b) If the terms vacant are of the same length, the Council shall choose by lot which vacancy to fill by appointment.

#### Section 8.04. LOCAL IMPROVEMENT REGULATIONS

After this Charter takes effect, all local improvements shall continue for the time being to be made under the laws and ordinances applicable thereto. The City Council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall determine all matters pertaining to the making of local improvements thereafter, and such ordinance shall supplant all other provisions of law on the same subject and may be amended only by an affirmative vote of at least four (4) members of the Council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefore as shall be necessary to meet constitutional requirements. Such ordinance shall also require a petition of a majority in number and interest of the owners of property to be assessed for such improvement, or improvements, for the initiation thereof; provided that the City Council may proceed upon its own initiative hereunder and under such ordinance by resolution adopted by five (5) affirmative votes of the City Council after proper notice and hearing.

#### Section 8.05. PUBLIC WORKS; HOW PERFORMED

Public Work including all local improvements, may be constructed, extended, repaired or maintained either by contract or, if the estimated cost is less than one thousand dollars (\$1,000,000) directly by day labor. Before receiving bids, the City Manager shall, under the direction of the City Council, have suitable plans and specifications prepared for the proposed material or project and the estimate of the cost thereof in detail. The award of any contract amounting to more than ten thousand dollars (\$10,000.00) shall require an affirmative vote of at least four (4) members of the City Council. When the best interests of the City will be served thereby, the City Council may organize a construction department under competent supervision and provided with suitable equipment.

The right is reserved to the City Council, upon the recommendation of an engineer, acting through the construction department to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder, but the term "lowest responsible bidder" shall be interpreted as giving the City Council the right to accept any bid which is determined to be most advantageous to the City. The City Council shall reserve the right to reject any or all bids. Detailed proceedings governing the advertisement for bids and the execution of the contract shall be prescribed by ordinance. The City shall require contractors to furnish proper bonds for the protection of the City, the employees and material persons.

**F-19: ORDINANCE NO. 780, ADOPTED 8/8/83  
AN ORDINANCE AMENDING SECTION 3.07 OF THE CITY CHARTER OF THE CITY OF FRIDLEY**

Section 3.07. SIGNING, PUBLICATION AND RETENTION OF ORDINANCES, RESOLUTIONS AND MOTIONS.

Every ordinance passed by the Council shall be signed by the Mayor, or by three other members of the Council, attested by the City Clerk, published, and recorded.

Every ordinance shall be published at least once in the official newspaper of the City. If the publication of the title and a summary description of an ordinance clearly informs of its intent and effect, the Council may by four affirmative votes of its members direct the City Manager to publish only the title of the ordinance together with a summary, with an added 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 at any other location designated by the Council. Prior to the publication of the title and summary, the Council shall approve a text of the summary that 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 requirements as if the entire ordinance had been published.

Every ordinance shall be recorded in its entirety by the City Clerk in a book kept for that purpose within twenty days after publication of the ordinance or of its title and summary. Proof of the publication shall be attached to and filed with the ordinance.

All resolutions and motions duly passed at each meeting of the Council may, at the discretion of the Council, be published in full or in part in the official newspaper of the City. In the case of partial publication, it shall be indicated in what respect they are incomplete.

Any administrative rule or regulation of any department of the State of Minnesota affecting the City or any statute of the State of Minnesota, or any published code, specifications or regulations prepared by an organization for general circulation and use may be adopted and incorporated in an ordinance by reference thereto and by marking the three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk. The publication requirements of this Charter shall be as fully satisfied in such cases by this method as if the material has been set forth in the ordinance in full.

**F-20: ORDINANCE NO. 790, ADOPTED 11/21/83  
AN ORDINANCE AMENDING SECTIONS 601, 602 AND 604 OF THE CITY CHARTER OF THE CITY OF FRIDLEY.**

Section 6.01. THE CITY MANAGER.

The City Manager shall be the chief administrative officer of the City. He shall be chosen by the Council solely on the basis of his training, experience and administrative qualifications. The choice shall not be limited to inhabitants of the City or state but he shall be a citizen of the United States. The City Manager shall be appointed for an indefinite period and he shall be removable by the Council at any regularly scheduled meeting provided that at least three members of the Council vote for the removal.

Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

Subject to the provisions of this Charter and any regulations consistent therewith which may be adopted by the Council, the City Manager shall control and direct the administration of the City's affairs. His powers and duties shall be:

- (a) To enforce this Charter and the laws, ordinances and resolutions of the City;

- (b) To appoint, with the consent and approval of the Council, all subordinate officers and employees;
- (c) To remove any subordinate officer or employee, provided that the Council is notified;
- (d) To exercise control over all departments and divisions of the City administration created by this Charter or which may hereafter be created by the Council;
- (e) To attend all meetings of the Council, with the right to take part in the discussions but having no vote; but the Council may at its discretion exclude him from meetings at which his removal is considered;
- (f) To recommend to the Council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the City's affairs;
- (g) To keep the Council fully advised as to the financial condition and needs of the City and to prepare and to submit to the Council the annual budget;
- (h) To perform such other duties as may be prescribed by this Charter or required of him by ordinances or resolutions adopted by the Council.

#### Section 6.04. SUBORDINATE OFFICERS.

There shall be a City Clerk, City Treasurer, City Attorney and such other officers subordinate to the City Manager as the Council may provide for by ordinance(s). The City Clerk shall be subject to the direction of the City Manager and shall have such duties in connection with keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as shall be ordained by the Council. He may be designated to act as secretary of the Council. 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.

#### **F-21: ORDINANCE NO. 802, ADOPTED 03/26/84**

#### **AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Part of Lot 1, Auditor's Subdivision No. 94, PIN # 243024330001 All lying in Section 24, T-30, R-24, City of Fridley, County of Anoka, State of Minnesota.
2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and the Council is hereby authorized to sell or enter into a contract to sell said property.
3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the sale of the above described real estate.

All resolutions and motions duly passed at each meeting of the Council may, at the discretion of the Council, be published in full or in part in the official newspaper of the City. In the case of partial publication, it shall be indicated in what respect they are incomplete.

Any administrative rule or regulation of any department of the State of Minnesota affecting the City or any statute of the State of Minnesota, or any published code, specifications or regulations prepared by an organization for general circulation and use may be adopted and incorporated in an ordinance by reference thereto and by marking the three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk. The publication requirements of this Charter shall be as fully satisfied in such cases by this method as if the material has been set forth in the ordinance in full.

**F-22: ORDINANCE NO. 825, ADOPTED 01/21/85  
AN ORDINANCE AMENDING SECTION 4.06 OF THE FRIDLEY CITY CHARTER**

**4.06. NOMINATIONS BY PETITION.**

The mode of election of all elective officers provided for by this Charter shall be by petition. The name of any elector of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filled in his/her behalf with the City Clerk. Such petition shall be signed by at least ten (10) electors qualified to vote for the office in question. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he/she do so his/her signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the City Clerk not more than one hundred thirty (130) days nor less than one hundred (100) days before the general election at which time the filings shall be closed. The City Clerk shall prepare the ballots with the names of the candidates for an office in a manner to be provided by ordinance. Each petition, when presented, must be accompanied by a five dollar (\$5.00) filing fee. (Ref. Special Election 4/12/60, General Election 11/3/64)

All resolutions and motions duly passed at each meeting of the Council may, at the discretion of the Council, be published in full or in part in the official newspaper of the City. In the case of partial publication, it shall be indicated in what respect they are incomplete.

Any administrative rule or regulation of any department of the State of Minnesota affecting the City or any statute of the State of Minnesota, or any published code, specifications or regulations prepared by an organization for general circulation and use may be adopted and incorporated in an ordinance by reference thereto and by marking the three copies thereof as "official copies" and filing them for reference and inspection in the office of the City Clerk. The publication requirements of this Charter shall be as fully satisfied in such cases by this method as if the material has been set forth in the ordinance in full.

**F-23: ORDINANCE NO. 854, ADOPTED 03/03/86  
AN ORDINANCE AMENDING SECTION 2.07 OF THE FRIDLEY CITY CHARTER**

The annual salaries for the Mayor and Councilmembers during 1987 and subsequent years shall be as follows: Mayor \$7,200.00; Councilmember at Large \$5,900.00; Councilmember, Ward I \$5,250.00; Councilmember, Ward II \$5,250.00; and Councilmember, Ward III \$5,250.00.

**F-24: ORDINANCE NO. 857, ADOPTED 06/16/86  
AN ORDINANCE AMENDING SECTIONS 2.03, 2.04, 2.05, 2.06, 2.07, 3.01, 4.01, 4.06, 4.07, 5.01, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.13, 5.14, 5.15, 5.17, 5.18, 6.01, 6.02, 6.04, 7.06, 7.14, 7.15, 7.16, 11.06, 11.07, 12.03, 12.04, AND 12.05 OF THE FRIDLEY CITY CHARTER, AND ADDING SECTION 1.04 (DEFINITIONS)**

**1.04. DEFINITIONS.**

1. Eligible Voter. A resident of the City of Fridley who is qualified to register to vote.
2. Registered Voter. An eligible voter who is currently registered in the City of Fridley.
3. Voter. A registered voter who has voted in the City of Fridley within the last four years.
4. Electorate. The whole body of eligible voters.

**2.03. ELECTIVE OFFICERS.**

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters. The Mayor shall be elected at large for a term of three (3) years, (except the first Mayor to be elected in 1957 shall be for a term of two (2) years).

2. One (1) Councilmember shall be elected at large for a term of three (3) years except that the first such Councilmember-at-large under this Charter shall be the incumbent elected in 1956, with two (2) years

remaining of term and shall be considered to serve two (2) years as Councilmember-at-large to 1959.

3. Three (3) Councilmembers shall be elected for terms of three (3) years each from three (3) separate Wards of the City, as designated below, except that the first Councilmember for Ward No. 2 under this Charter shall be the Councilmember having one (1) year of term yet to serve, and shall be considered Councilmember for Ward 2 for a one (1) year term to expire in 1958. The Councilmembers from Wards No. 1 and No. 3 shall be elected in 1957, each for terms of three (3) years.

4. The Councilmember elected from a ward must be a resident of such ward and his ceasing to be a resident thereof shall cause a vacancy in the office of Councilmember from such ward; provided that a change in ward boundaries during his term of office shall not disqualify the Councilmember from serving out the term.

5. The term of Mayor and of each Councilmember shall begin on the first official business day in the month of January following the election to office and shall end when a successor has been duly elected and has qualified. The first order of business at the first official Council meeting in January shall be the swearing in of the newly elected members of the Council. The Council shall be judge of the election and its members. (Ref. Special Election 4/12/60 Ord. 592)

#### 2.04. DISQUALIFICATION FOR APPOINTIVE OFFICE.

No member of the Council shall be appointed acting or permanent City Manager, nor shall any member hold any other paid municipal office or employment under the City; and until one (1) year after the expiration of the term as Mayor or Councilmember no former member shall be appointed to any paid office or employment under the City.

#### 2.05. VACANCIES IN THE COUNCIL.

1. 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 the death, resignation, removal from office, removal from the City, removal of a ward Councilmember from that ward, continuous absence from the City for more than three (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 Councilmember 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 shall forthwith call a special election to be held not less than forty-five (45) days nor more than sixty (60) days from the time such vacancy is declared. In the case of a special election to fill the vacancy, there shall be no primary election. The candidate receiving the largest number of votes shall be declared the winner. The winner of said elections shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.

2. If at any time the membership of the Council is reduced to less than four (4) members, the remaining members may, by unanimous action, appoint additional members to raise the membership to four (4). The order of filling vacancies by appointment shall be as follows:

- A. If the terms vacant are for different lengths, the appointment will be to the seat with the shortest remaining term.
- B. If the terms vacant are of the same length, the Council shall choose by lot which vacancy to fill by appointment. (Ref. Special Election 3/25/75, Ord. 776)

#### 2.06. THE MAYOR.

The Mayor shall be the presiding officer of the Council, except that a president pro tem shall be chosen to hold office at the pleasure of the Council, who shall act as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall vote as a member of the Council. The Mayor shall exercise all powers and perform all duties conferred and imposed 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, by the courts for the purpose of serving civil process, and by the Governor for the purposes 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 Council's consent, take command of the police, maintain order and enforce the law.

#### 2.07. SALARIES AND EXPENSES.

The Mayor and each Councilmember shall receive each year reasonable remuneration or salary, the amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. Until the first such ordinance is duly adopted, the Mayor and each member of the Council shall receive such salaries and compensations as were received by the Mayor and Councilmembers of the Village of Fridley. When authorized by the Council, its members shall be remunerated for their reasonable expenses incurred in connection with the City's business. The City Manager and all subordinate officers and employees of the City shall receive such reasonable compensation as may be fixed by the Council.

#### 3.01. COUNCIL MEETINGS.

On the first official business day in January following a regular municipal election, the Council shall meet at the City Hall at the usual time for the holding of Council meetings. At this time, the newly elected members of the Council shall assume their duties. Thereafter the Council shall meet at such times as may be prescribed by resolution, except that they shall meet at a fixed time not less than once each month. The Mayor or any three (3) members of the Council may call special meetings of the Council upon at least twelve (12) hours' notice to each member of the Council. Such notice shall be delivered personally to each member or be left at the member's usual place of residence with a person of suitable age and discretion then residing therein, or written notice thereof shall be left in a conspicuous place at the residence if no such person be found there. The presence of any member of the Council at a special meeting shall constitute a waiver of any formal notice unless the member appears for the special purpose of objecting to the holding of such meeting. The Council may provide by ordinance a means by which a minority may compel the attendance of absent members. All meetings of the Council shall be public and any person shall have access to the minutes and records thereof at all reasonable times. The Mayor and each Councilmember shall have one (1) vote. (Ref. Special Election 4/12/60)

#### 4.01. GENERAL ELECTION LAWS TO APPLY.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections.

#### 4.06. NOMINATIONS BY PETITION.

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten

(10) registered voters qualified to vote for the office in question. No elector shall sign petitions

for more candidates than the number of offices to be filled at the election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the City Clerk not more than one hundred thirty (130) days nor less than one hundred (100) days before the general election at which time the filings shall be closed. The City Clerk shall prepare the ballots with names of the candidates for an office in a manner to be provided by ordinance. Each petition, when presented, must be accompanied by a five dollar (\$5.00) filing fee. (Ref. Special Election 4/12/60, General Election 11/3/64, Ord. 825)

4.07. NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

**NOMINATION PETITION**

We, the undersigned, registered voters of the City of Fridley, hereby nominate . . . , whose residence is . . . , for the office of . . . , to be voted for at the election to be held on the . . . day of . . . , 19 . . ; and we individually certify that we are registered voters and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number

.....  
.....

....., being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

.....  
Subscribed and sworn to before me this . . . day of . . . , 19 . .

This petition, if found insufficient by the City Clerk, shall be returned to . . . , at Number . . . Street.

I hereby indicate my willingness to accept the office of . . . if duly elected thereto.

5.01. POWERS RESERVED BY THE PEOPLE.

The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the Council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

5.03. FURTHER REGULATIONS.

2. A petition under this Charter shall be filed in the office of the City Clerk as one (1) instrument, which instrument shall contain any instrument required, a copy of any ordinance proposed, covered or affected, any other document (appropriate to the petition) and all the signature papers and affidavits attached in

support of the same. A petition may be signed by any registered voter. A petition can be circulated and



reasons for the insufficiency or irregularity. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office. The City Clerk shall notify each member of the committee of that fact. (Ref. Ord. 625)

#### 5.07. ACTION OF THE COUNCIL OF PETITIONS.

When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioner, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of registered voters, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electorate.

#### 5.08. INITIATIVE BALLOTS.

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies. (Ref. Ord. 625)

#### 5.09. INITIATION OF CHARTER AMENDMENTS.

Nothing in this Charter shall be construed as in any way affecting the right of the eligible voters under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

#### 5.10. THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by at least fifteen percent (15%) of the registered voters as of January 1st of that year request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of those voting is opposed to the ordinance, it shall not become effective; but if a majority of those voting favors the ordinance, it shall go into effect immediately or on the date therein specified.

5.11. REFERENDUM PETITIONS.

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

NameAddress

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

NameAddress

- 1. ....
- 2. ....
- 3. ....

5.13. THE RECALL.

Any five (5) registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City in accordance with procedures established in Section 5.03. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about the recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification. (Ref. Ord. 625)

5.14. RECALL PETITIONS.

RECALL PETITION

Proposing the recall of . . . . . from office as . . . . . which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of registered voters:

NameAddress

- 1. ....
- 2. ....
- 3. ....
- 4. ....
- 5. ....

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

NameAddress

- 1. ....
- 2. ....
- 3. ....

At the end of the list of signatures shall be appended the affidavit of the circulator. (Ref. Ord. 625)

5.15. FILING OF PETITION.

Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the petition within the next five (5) days, and if the City Clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five (25%) percent of the total number of registered voters of the Ward or City represented by the office holder, the City Clerk shall so notify one (1) or more members of the committee. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, all the members of the committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon.

5.17. PROCEDURE AT RECALL ELECTION.

The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the officer concerned in justification of the course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

5.18. FORM OF RECALL BALLOT.

Unless the officer whose removal is sought resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be: "Shall . . . . . be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of . . . . . , if recalled"; but the officer whose recall is sought shall not be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

6.01. THE CITY MANAGER.

The City Manager shall be the Chief Administrative Officer of the City, and shall be chosen by the Council solely on the basis of training, experience and administrative qualifications. The choice shall not be limited to inhabitants of the City or State but shall be limited to a citizen of the United States. The City Manager shall be appointed for an indefinite period and shall be removable by the Council at any regularly scheduled meeting provided at least three (3) members of the Council vote for the removal. (Ref. Ord. 790)

6.02. POWERS AND DUTIES OF THE CITY MANAGER.

- (e) To attend all meetings of the Council, with the right to take part in the discussions but having no

vote; but the Council may at its discretion exclude the City Manager from meetings at which

the City Manager's removal is considered;

- (f) To recommend to the Council for adoption such measures as may be deemed necessary for the welfare of the people and the efficient administration of the City's affairs;
- (h) To perform such other duties as may be prescribed by this Charter or required by ordinances or resolutions adopted by the Council. (Ref. Ord. 790)

#### 6.04. SUBORDINATE OFFICERS.

There shall be a City Clerk, City Treasurer, City Attorney and such other officers subordinate to the City Manager as the Council may provide for by ordinance(s). The City Clerk shall be subject to the direction of the City Manager and shall have such duties in connection with keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as shall be ordained by the Council. The City Clerk may be designated to act as Secretary of the Council. 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. (Ref. Ord. 625, 790)

#### 7.06. ENFORCEMENT OF THE BUDGET.

It shall be the duty of the City Manager to enforce strictly the provisions of the budget. The City Manager shall not approve any order upon the City Treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unencumbered balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

#### 7.14. ACCOUNTS AND REPORTS.

The City Manager shall be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter and the ordinances in accord with it. The City Manager shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each and such other information relative to the finances of the City as the Council may require. The Council may at any time and shall annually provide for an audit of the City finances by certified public accountant or by the department of the State authorized to make examination of the affairs of municipalities. On or before the first day of April in each year the City Manager shall prepare a complete financial statement in form approved by the Council of the City's financial operations for the preceding calendar year, and quarter, which statement may be published in such manner as the Council may direct and a summary thereof shall be published in the official newspaper on or before the third week in April, July, October and January as appropriate. (Ref. Ord. 625)

#### 7.15. BONDED DEBT AND DEBT LIMIT.

2. The Council by a vote of at least four (4) of its members may authorize the issuance of the bonds to provide funds for any public purpose not prohibited by law, or may in its discretion, by a majority vote of all of its members submit to the electorate propositions for the issuance of such bonds. When such a proposition is submitted to the electorate, no bonds or other term obligations of the City may be issued except pursuant to a favorable vote of a majority of those voting on the proposition of their issuance. By the proceedings for the issuance of any bonds, by the terms of the bonds and by agreements with the purchasers of bonds, they may be made special in character and limited in their payment to earnings or to part earnings

and part tax funds. To the extent that they are thus payable out of earnings or other than tax funds, such bonds shall not be paid out of taxes. The total bonded debt of the City at the time of the issuance of any bonds shall not exceed ten percent (10%) of the last assessed valuation of the taxable property therein, or the limit authorized by State law for cities of the same class, whichever is the greater, but in computing the total bonded debt, certificates of indebtedness, bonds, warrants or other obligations issued before or after adoption of this Charter shall not be included or counted if (1) held in a sinking fund maintained by the City; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by the City, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches, storm and sanitary sewers, or for the acquisition of lands for streets, parks, or other public improvements or for the improvement thereof, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such improvements; or (3) issued for the creation of maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

#### 7.16. FORM AND REPAYMENT OF BONDS.

No bonds shall be issued to run for longer than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the resolution authorizing such bonds, and in no case shall bonds be issued to run for more than thirty (30) years. The purposes for which bonds are authorized shall be set forth in the resolution authorizing them and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the City Manager to include in the budget estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be still outstanding. It shall be the duty of the Council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget which it passes.

#### 11.06. PUBLIC UTILITY, HOW SOLD.

No public utility owned by the City, whether acquired prior to the adoption of this Charter or thereafter, shall be sold or otherwise disposed of by the City, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefore, shall be embodied in an ordinance passed by an affirmative vote of at least four (4) members of the Council, and submitted to the electorate at a general or special election and approved by at least sixty (60) percent of those voting thereon.

#### 11.07. MUNICIPAL UTILITY ORGANIZATIONS.

1. The Council by majority vote may provide for the establishment of a separate department to administer the utility function, including the regulation of privately owned and operated utilities and the operation of municipally owned utilities. Such department shall keep separate financial and accounting records for each municipally owned and operated utility and prior to the first day of each fiscal year shall prepare a comprehensive report of each utility in accordance with the City Manager's specifications.

#### 12.03. OATH OF OFFICE.

Every officer of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of the State of Minnesota and to discharge faithfully the duties devolving upon me as (Mayor, or Councilmember, or City Manager, etc.) of this City to the best of my judgement and ability."

#### 12.04. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS.

No member of the City Council or employee of the City shall solicit or receive any pay, commission, money, thing of value, or derive any profit, directly or indirectly, from or by reason of, any improvement,

alteration or repair required by authority of the City, or any contract to which the City shall be a party, except lawful compensation, including authorized expenditures, or salary as such member of the City Council or as such employee. No member of the City Council or employee of the City, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this Section shall disqualify the offender, if found guilty, from continuing in office or in the employment of the City, and the offender shall be removed therefrom. Any contract with the City in which any member of the City Council or employee of the City is, or becomes, directly or indirectly interested personally shall be voidable at the option of the Council; and any money which shall have been paid on such contract by the City may be recovered from any or all of the persons interested therein by joint or several action.

#### 12.05. OFFICIAL BONDS.

The offices of City Manager, the City Clerk and City Treasurer and such other officers or employees of the City, as may be provided for by ordinance, shall each, before entering upon the duties of their respective offices 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 their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the City Council and approved as to form by the City Attorney. They shall be filed with the Secretary of the Council. In the event the Secretary of the Council holds more than one (1) office by appointment, the Secretary's bond or bonds shall be filed with the Mayor. The provisions of the laws of the State relating to official bonds, not inconsistent with this Charter, shall be complied with. The premiums on the corporate surety bonds hereinbefore provided for shall be paid by the City.

#### **F-25: ORDINANCE NO. 868, ADOPTED 10/20/86**

##### **AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF.**

1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Tracts G, H, and I, Registered Land Survey No. 94 (that part of Outlot 1, Gena-Rae Addition lying North of Creek Park Lane) All lying in North half of Section 13, T-30, R-24, City of Fridley, County of Anoka, State of Minnesota.
2. It is hereby determined by the Council that the City no longer has any reason to continue to own said property and that the sale of said property is not inconsistent with the City's Comprehensive Plan.
3. The Council hereby authorizes the City Manager and the City Clerk to effect the sale of said property by negotiating a sale directly with an interested party.
4. The Mayor and City Clerk are hereby authorized to sign the necessary contract and deeds to effect the sale of the above described real estate.

#### **F-26: ORDINANCE NO. 873, ADOPTED 01/05/87**

##### **AN ORDINANCE AMENDING SECTIONS 4.05 AND 12.08 OF THE FRIDLEY CITY CHARTER.**

#### 4.05. JUDGES OF ELECTIONS.

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) or more registered voters of each voting precinct to be judges of elections therein and one (1) registered voter of the same precinct to be head judge of election. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be

eligible to serve as a judge of such election.

**12.08. DAMAGE SUITS.**

1. No action shall be maintained against the City on account of any injuries or damages to persons or property, unless such action shall be commenced within one (1) year from the occurrence of such injury or damage, nor unless notice shall have been given in writing as required by Minnesota Statutes.
2. No action shall be maintained against the City on account of injuries or damages to persons or property resulting from or caused by any accumulation or deposit of ice or snow on any public street, sidewalk, building, or place.

**F-27: ORDINANCE NO. 892, ADOPTED 07/20/87****AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 1988 and subsequent years shall be as follows: Mayor-\$7,500; Councilmember at Large-\$6,150; Councilmember, Ward I-\$5,475; Councilmember, Ward II-\$5,475; and Councilmember, Ward III-\$5,475.

**F-28: ORDINANCE NO. 907, ADOPTED 06/20/88****AN ORDINANCE DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE DISPOSAL OR TRANSFER OF OWNERSHIP THEREOF**

To vacate all that part of Lots 16 and 17, Auditor's Subdivision No. 88 lying between the east right-of-way line of State Highway No. 65 and a line thirty feet east of said right-of-way of State Highway No. 65 and lying south of the westerly extension of the south lot line of Lot 8, Block 2, Moore Lake Highlands 3<sup>rd</sup> Addition extended to the easterly right-of-way line of State Trunk Highway 65 and north of the westerly extension of the north right-of-way line of West Moore Lake Drive, as platted in the plat of Shorewood Plaza, extended to the easterly right-of-way line of State Trunk Highway No. 65. All lying in the South Half of Section 13, T-30, R-24, City of Fridley, County of Anoka, Minnesota. Be and is hereby disposed of or transferred and effects the sale of the property.

**F-29: ORDINANCE NO. 914, ADOPTED 07/25/88****AN ORDINANCE AMENDING SECTION 5.09 OF THE FRIDLEY CITY CHARTER****SECTION 5.09. INITIATION OF CHARTER AMENDMENTS.**

The ways to initiate amendments to this Charter are set forth in Minnesota Statutes.

**F-30: ORDINANCE NO. 919, ADOPTED 01/23/89****AN ORDINANCE AMENDING SECTIONS 2.03, 4.02, AND 4.03 OF THE FRIDLEY CITY CHARTER****SECTION 2.03. ELECTIVE OFFICERS.**

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters. The Mayor shall be elected at large for a term of three (3) years, except the first Mayor to be elected in 1957 shall be for a term of two (2) years. Commencing in the year 1992 and every fourth year thereafter, the person elected to the office of Mayor shall be elected for a term of four (4) years.
2. One (1) Councilmember shall be elected at large for a term of three (3) years except that the first such Councilmember-at-Large under this Charter shall be the incumbent elected in 1956, with two (2) years remaining of term and shall be considered to serve two (2) years as Councilmember-at-Large to 1959. Commencing in the year 1992 and every fourth year thereafter, the person elected to the office of Councilmember-at-Large shall be elected for a term of four (4) years.

3. Three (3) Councilmembers shall be elected for terms of three (3) years each from three (3) separate Wards of the City, as designated below, except that the first Councilmember for Ward No. 2 under this Charter shall be the Councilmember having one (1) year of term yet to serve, and shall be considered Councilmember for Ward 2 for a one (1) year term to expire in 1958. The Councilmembers from Wards No. 1 and No. 3 shall be elected in 1957, each for terms of three (3) years. Commencing in the year 1990 and every fourth year thereafter, the persons elected to offices of Councilmember for Ward 1 and Councilmember for Ward 3 shall be elected for a term of four (4) years, and commencing in the year 1994 and every fourth year thereafter, the person elected to the office of Councilmember for Ward 2 shall be elected for a term of four (4) years.

6. The term of Mayor and of each Councilmember shall begin on the first official business day in the month of January following their election to office and shall end when a successor has been duly elected and has qualified. The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council. The Council shall be judge of the election and its members.

#### SECTION 4.02. REGULAR MUNICIPAL ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday in November at such place or places as the City may designate by resolution. Commencing in the year 1992, regular municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election.

#### SECTION 4.03. PRIMARY ELECTIONS.

On the first Tuesday after the second Monday in September there shall be a primary election for the selection of two (2) nominees for each elective office at the regular municipal elections, unless only two (2) nominees file for each elective office. Commencing in the 1992, primary and regular municipal elections shall be held every even numbered year.

#### **F-31: ORDINANCE NO. 920, ADOPTED 02/27/89**

#### **AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 1990 and subsequent years shall be as follows: Mayor-\$8,000; Councilmember at Large-\$6,550; Councilmember Ward I, II and III-\$5,850. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley who are not covered by a labor agreement.

#### **F-32: ORDINANCE NO. 921, ADOPTED 04/03/89**

#### **AN ORDINANCE AMENDING SECTION 4.06 OF THE FRIDLEY CITY CHARTER**

#### SECTION 4.06. NOMINATIONS BY PETITION.

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten

(10) registered voters qualified to vote for the office in question. No elector shall sign petitions

for more candidates than the number of offices to be filled at the election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with Minnesota State Statutes. Each petition, when presented, must be accompanied by a five dollar (\$5.00) filing fee.

**F-33: ORDINANCE NO. 926, ADOPTED 07/10/89**

**AN ORDINANCE PROVIDING FOR THE SALE OF REAL PROPERTY**

That the City of Fridley is hereby authorized to convey to the Fridley Housing and Redevelopment Authority the following described property to wit: All that part of Lot 7, Block 1, Fridley Plaza Center, Anoka County, Minnesota lying easterly of the following described line:

Commencing at the northwest corner of Lot 14, said Block 1; thence North 89 degrees 58 minutes 45 seconds East, along the north line of said Lot 14, a distance of 13.00 feet, to the point of beginning of the line to be described; thence North 0 degrees 47 minutes 15 seconds East a distance of 213.23 feet to a point on the line common to Lots 6 and 7, said Block 1, said point being 3.00 feet westerly from the southeasterly corner of Lot 6, and said line there terminating. Subject to a permanent non-exclusive easement for parking ingress and egress and other public purposes. That in conjunction with the granting of this deed the City further waives pursuant to Section 211.05 of the City Code, any requirements for subdivision approval, due to the fact that this conveyance is consistent with the overall plan for the development of this area and was tacitly approved by the City in 1982.

**F-34: ORDINANCE NO. 944, ADOPTED 02/26/90.**

**AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 1991 and subsequent years shall be as follows: Mayor-\$8,400; Councilmember-at-Large-\$6,900; Councilmember, Ward I-\$6,100; Councilmember, Ward II-\$6,100; Councilmember, Ward III-\$6,100. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F-35: ORDINANCE NO. 946, ADOPTED 04/09/90**

**AN ORDINANCE AMENDING SECTIONS 7.04, 7.05, 7.07, AND 7.09 OF THE FRIDLEY CITY CHARTER**

**SECTION 7.04. PREPARATION OF ANNUAL BUDGET.**

1. The City Manager shall prepare the estimates for the annual budget which shall include any estimated deficit for the current year. The estimates of expenditures shall be submitted by each department to the City Manager. Each estimate shall be divided into three (3) major subdivisions as follows: (a) Salaries and Wages, (b) Ordinary Expenses, (c) Capital Outlay. Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify the request. Ordinary expenses shall be broken down into such detail as the City Manager shall direct. Capital Outlay shall be itemized as to items and amounts. (Ref. Ord. 625)

2. In parallel columns shall be added the amounts expended under similar headings for the two (2) preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the City Manager shall prepare a detailed statement of revenues collected for the two (2) preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The

estimates shall be submitted to the Council at its last regular monthly meeting in August and shall be published twice in summary in the official publication prior to November 15. (Ref. Ord. 625)

#### SECTION 7.05. PASSAGE OF THE BUDGET.

The budget shall be a principal item of business at the last regular monthly meeting of the Council in August, and the Council shall hold subsequent meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in such detail as may be determined by the City Council, the complete financial plan of the City for the ensuing fiscal year, and shall be signed by the majority of the Council upon being adopted. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 7.04. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget by resolution in accordance with State law. The resolution shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 7.04. The budget resolution as adopted shall be published in the official publication. (Ref. Ord. 625)

#### SECTION 7.07. ALTERATIONS IN THE BUDGET.

After the budget shall have been duly adopted, the Council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event, not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other. The Council may at any time, by resolution passed by a vote of at least four (4) members of the Council, reduce salaries or the sums appropriated for any purpose by the budget, or by vote of at least four (4) members of the Council authorize the transfer of sums from the unexpended balances of the budget to other purposes.

#### SECTION 7.09. LEVY AND COLLECTION OF TAXES.

In accordance with Minnesota State Law, the Council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The City Clerk shall transmit to the county auditor annually, not later than the date required by Minnesota Law, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into a suspense fund, and shall be used to reduce the levy for the ensuing year. (Ref. 625)

#### **F-36: ORDINANCE NO. 948, ADOPTED 06\18\90**

#### **AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

The east half of that part of the vacated alley which adjoins Lots 5 through 9, Block 5, Hyde Park, lying north of the south line of said Lot 9, extended westerly and south of the north line of said Lot 5, extended westerly according to the plat thereof on file and of record in the office of the County Recorder in and for Anoka County, Minnesota. All lying in Section 23, T-30, R-24, City of Fridley, County of Anoka, State of Minnesota.

**F-37: ORDINANCE NO. 975, ADOPTED 08/26/1991.**

**AN ORDINANCE UNDER SECTION 2.03.07 OF THE CITY CHARTER PROVIDING THAT THE WARDS SHALL NOT DEVIATE BY MORE THAN 3% OF THE AVERAGE OF THE THREE WARDS.**

**SECTION 2.03.07. ELECTIVE OFFICES.**

The boundaries of the three (3) wards shall be redetermined from time to time by ordinance duly adopted by the Council, and based on the findings of the Council that the wards so redetermined are such that the population of any ward shall not deviate by more than three percent (3 %) from the average of the three (3) wards.

**F-38: ORDINANCE NO. 1020, ADOPTED 10/04/1993.**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Lot 26, Block C, Riverview Heights, Anoka County, Minnesota, and that part of all of the vacated Broad Avenue N.E., lying southerly of the westerly extension of the northerly line and northerly of the westerly extension of the southerly line of Lot 26. Reserving and subject to easements for bikeway and walkway purposes in favor of the City of Fridley, over the westerly 15 feet and the northerly 10 feet thereof, and northwesterly of a line drawn from points distant 12.0 feet southerly and northeasterly of the intersection point of the interior easement lines. Also reserving and subject to an easement for public roadway purposes in favor of the property adjacent westerly, lying southerly of a line drawn from the most southerly corner of Lot 26, Block C, to a point distant 10.00 feet northerly of the intersection of the westerly extension of the southerly line of said Lot 26 with the westerly line of vacated Broad Avenue. Generally located north of Lafayette Street and south of Mississippi Boulevard. All lying in the North Half of Section 3, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

**F-39: ORDINANCE NO. 1027, ADOPTED 03/21/1994.**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE FRIDLEY CITY CHARTER**

**Section 4.01. GENERAL ELECTION LAWS TO APPLY.**

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections.

**Section 4.02. REGULAR MUNICIPAL ELECTIONS.**

Regular municipal elections shall be held on the first Tuesday after the first Monday in November, at such place or places as the City Council may designate by resolution. Regular municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election.

**Section 4.03. PRIMARY ELECTIONS.**

On the first Tuesday after the second Monday in September there shall be a primary election for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2)

nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

Section 4.04. SPECIAL ELECTIONS.

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections.

Section 4.05. JUDGES OF ELECTION.

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) registered voters of each voting precinct to be judges of elections therein and one (1) registered voter of the same precinct to be head judge of election, or as many more or less as may be determined by the Council. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election.

Section 4.06. NOMINATIONS BY PETITION.

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten (10) registered voters qualified to vote for the office in question. No elector shall sign more than one petition for any office for which there is an election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with Minnesota State Statutes. Each petition, when presented, must be accompanied by a ten dollar (\$10.00) filing fee.

Section 4.07. NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, registered voters of the City of Fridley, hereby nominate . . . , whose residence is . . . , for the office of . . . , to be voted for at the election to be held on the . . . day of . . . , 19 . . ; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

Name                      Street and Number  
.....  
.....

....., being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

.....

Subscribed and sworn to before me this . . . . . day of . . . . ., 19 . . .

This petition, if found insufficient by the City Clerk, shall be returned to . . . . ., at Number . . . . . Street.

I hereby indicate my willingness to accept the office of . . . . if duly elected thereto.

#### Section 4.08. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

The Council shall meet and canvass the election returns within seven (7) calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office.

#### **F-40: ORDINANCE NO. 1034, ADOPTED 08/01/1994.**

#### **AN ORDINANCE AMENDING CHAPTER 2 AND SECTION 4.04 OF THE FRIDLEY CITY CHARTER**

##### Section 2.01. COUNCIL-MANAGER PLAN IMPLEMENTATION.

1. The form of government established by this Charter shall be known as the "Council-Manager Plan" pursuant to Minnesota Statutes.
2. All discretionary powers of the City, both legislative and executive, shall vest in and be exercised by the City Council. It shall have complete control over the City administration, but shall exercise this control exclusively through the City Manager and shall not itself attempt to perform any administrative duties.
3. The Council shall perform the duties and exercise the powers of all City boards and commissions except as otherwise provided by statute or by this charter. It may by ordinance create commissions with advisory powers to investigate any subject of interest to the municipality.
4. The Council shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. The Council may at any time provide for an examination or audit of the accounts of any office or department of the City government, or it may cause to be made any survey or research study of any problem affecting the City or its inhabitants. Each such investigation shall be authorized by resolution of the Council.
5. Any member of the Council may request in writing any specific information relating to any department via the City Manager. The City Manager shall respond in writing within a reasonable period of time.
6. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

##### Section 2.02. ELECTIVE OFFICERS.

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters.
2. The Mayor shall be elected at large in each United States presidential election year to a term of four (4) years.

3. One (1) Councilmember shall be elected at large in each United States presidential election year to a term of four (4) years.
4. Three (3) Councilmembers shall be elected in each Minnesota gubernatorial election year from three (3) separate Wards of the City to terms of four (4) years each.
5. The term of Mayor and of each Councilmember shall begin on the first day of January following their election to office and shall end on December 31 of the last year of the term. The incumbent may remain in office until a successor has been duly qualified and accepts the office. The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.
6. The Council shall be the judge of the election of its members.

#### Section 2.03. THE MAYOR.

1. The Mayor shall be the presiding officer of the Council, except that a mayor pro tem shall be chosen from the remaining Councilmembers to serve at the pleasure of the Council, who shall act as Mayor in case of the Mayor's temporary disability or absence from the City.
2. The Mayor shall vote as a member of the Council.
3. The Mayor shall exercise all powers and perform all duties conferred and imposed by this Charter, the ordinances of the City and the laws of the State.
4. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law.
5. At the direction of the Council 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.
6. In time of public danger or emergency the Mayor may take command of the police, maintain order and enforce the law. Council consent shall be obtained when practicable.

#### Section 2.04. WARD COUNCILMEMBERS.

1. The City is divided into three (3) separate election Wards designated as Ward 1, Ward 2, and Ward 3.
2. A Ward Councilmember must be a resident of such ward. If the Ward Councilmember ceases to be a resident of the ward, then that office shall be declared vacant. However, a change in ward boundaries during the term of office shall not disqualify the Councilmember from completing the term.
3. The boundaries of the three (3) wards shall be redetermined from time to time by ordinances duly adopted by the Council, and based on the findings of the Council that the wards so redetermined are such that the population of any ward shall not deviate by more than three percent (3%) from the average of the three (3) wards.
4. After each decennial census of the United States, the Council shall redetermine ward boundaries. This redetermination of ward boundaries shall be accomplished within the deadlines established by Minnesota law. If no deadlines are established by law, then redistricting must be completed no less than

one hundred (100) days prior to the legally determined date of the municipal primary of the year

ending in the digit two (2). If further redistricting is necessary, as determined by the Council, the adoption of the new boundaries shall be prohibited during the time period from ninety (90) days before a primary election up to and including the day of the general election in the same year. Any prohibitions stated in the Minnesota state statutes pertaining to the adoption of the new boundaries shall also apply.

#### Section 2.05. DISQUALIFICATION FOR APPOINTIVE OFFICE.

No incumbent member of the Council shall be appointed acting or permanent City Manager, nor shall any member hold any other paid municipal office or employment under the City; and no former member shall be appointed to any paid office or employment under the City until one (1) year after leaving office.

#### Section 2.06. VACANCIES IN THE COUNCIL.

1. 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 the death, resignation, removal from office, removal from the City, removal of a ward councilmember from that ward, continuous absence from the City for more than three (3) months, or conviction of a felony of any such person whether before or after their qualification, or by reason of the failure of any councilmember 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, within thirty (30) days the Council shall by resolution declare a vacancy to exist.
2. If a vacancy is declared to occur before filings for the next election of the office in question are closed, the Council shall call a special election to be held not less than thirty (30) days nor more than sixty-five (65) days from the time such vacancy is declared. The Council shall designate a period of eight (8) to twelve (12) consecutive working days for the purpose of filing nomination petitions in accordance with Section 4.06.
3. In the case of a special election to fill the vacancy, the procedure provided in Section 4.03, Primary Elections, and Section 4.04, Special Elections, shall be followed except for the scheduling of election dates, which must be within the time frame specified here. The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.
4. If the vacancy is declared to occur in the fourth year of the term of office after filings for the office in question are closed, but before October 1, the Council shall appoint [within thirty (30) days of the vacancy declaration] by majority vote a qualified citizen who has not filed for any municipal office in the general election in question. The appointee shall assume the office immediately and complete the unexpired term.
5. If the vacancy is declared to occur on or after October 1 of the fourth year of the term, the winner of the general election shall be qualified and take office immediately. If the winner of the general election cannot take office due to reasons indicated in Section 2.06.01 above, the Council shall declare a vacancy and order a special election as provided for in Sections 2.06.02 and 2.06.03 above. The person so elected shall serve out any of the remainder of the unexpired term as well as the full four year term.
6. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the vacancy is filled.

7. If at any time the membership of the Council is reduced to less than three (3) members, the City Manager shall order a special election after the manner provided in Sections 2.06.02, and 2.06.03 above to bring the membership of the Council up to five (5).
8. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election.

#### Section 2.07. SALARIES AND EXPENSES.

The Mayor and each Councilmember shall receive reasonable remuneration or salary, the annual amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. When authorized by the Council, its members shall be remunerated for their reasonable expenses incurred in connection with the City's business. The City Manager and all subordinate officers and employees of the City shall receive such reasonable compensation as may be fixed by the Council.

#### Section 4.04. SPECIAL ELECTIONS.

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections. Special elections for vacancies in the City Council shall be held in accordance with the provisions of Section 2.06.

#### **F-41: ORDINANCE NO. 1036, ADOPTED 09/19/1994.**

#### **AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: That part of Lot 6, Lot 7, Lot 8, and Lot 9, all in Auditor's Subdivision No. 25 lying in the Southwest Quarter of Section 24, Township 30, Range 24, Anoka County, Minnesota, described as lying between the following described LINE 1 and a line 40.00 feet northeasterly of and parallel with the following described LINE 3. LINE 1 is described as commencing at a point on the east line of Section 24, Township 30 North, Range 24 West, distant 181.30 feet north of the southeast corner thereof; thence run northwesterly at an angle of 78 degrees 39 minutes 45 seconds from said east section line (as measured from north to west) a distance of 4081.10 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds a distance of 244.00 feet to the point of beginning of LINE 2 to be described; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds a distance of 278.65 feet; thence deflect to the right at an angle of 25 degrees 44 minutes 00 seconds a distance of 980.13 feet and said LINE 2 there terminating; thence continuing northeasterly from the point of termination of said LINE 2 at an angle of 90 degrees 00 minutes 00 seconds to said LINE 2 a distance of 35.00 feet to the point of beginning of LINE 1 to be described; thence southeasterly to a point distant 110.00 feet northeasterly of (as measured at right angles) a point on said LINE 2 distant 550.31 feet northwesterly of its point of beginning; thence southeasterly to a point distant 40.00 feet northeasterly of (measured at right angles) a point on said LINE 2 distant 115.06 feet northwesterly of its point of beginning and said LINE 1 there terminating. LINE 3 is described as commencing at a point on the east line of Section 24, Township 30 North, Range 24 West, distant 181.30 feet north of the southeast corner thereof; thence run northwesterly at an angle of 78 degrees 39 minutes 45 seconds from said east section line (as measured from north to west) a distance of 4081.10 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds a distance of 244.00 feet to the point of beginning of LINE 3 to be described; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds a distance of 276.43 feet; thence deflect to the right at an angle of 25 degrees 46 minutes

30 seconds a distance of 980.17 feet and said LINE 3 there terminating. All lying

in the South Half of Section 24, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota.

**F-42: ORDINANCE NO. 1045, ADOPTED 02/13/1995.**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: The South 35 feet of Lot 3, Block 2, Sexter Addition, City of Fridley, Anoka County, Minnesota. It is hereby determined by the City Council that, except for a ten foot street and utility easement adjacent to Polk Street, the City no longer has any reason to continue to own said property, and the City is hereby authorized to sell or enter into a contract to sell said property.

**F-43: ORDINANCE NO. 1051, ADOPTED 05/15/1995.**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Lots 27, 28, 29, and 30, Block 12, Hyde Park, City of Fridley, Anoka County, Minnesota. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City is hereby authorized to sell or enter into a contract to sell said property.

**F-44: ORDINANCE NO. 1055, ADOPTED 08/28/1995.**

That part of Lot 3, Block 2, Sexter Addition, Anoka County, Minnesota, lying Northerly of the South 35 feet of said Lot 3, subject to an easement to the City of Fridley along the easterly five feet. and the City is hereby authorized to sell or enter into a contract to sell said property.

**F-45: ORDINANCE NO. 1074, ADOPTED 10/14/1996.**

That the following sections of the Fridley City Charter be amended as follows:

**CHAPTER 3 PROCEDURE OF COUNCIL**

**Section 3.01. COUNCIL MEETINGS.**

1. The Council shall hold the first regular meeting of the year on or before the ninth day of January. At this meeting any newly elected members of the Council shall assume their duties. Thereafter, the Council shall hold regular meetings at a fixed time at least once each month as prescribed by resolution. A regular meeting is one that is scheduled by resolution, at which formal action is taken, and for which minutes are recorded.
2. A special meeting of the Council may be called as needed by the Mayor or any two (2) Councilmembers upon compliance with the notification requirements in Minnesota statutes and upon at least twelve (12) hours' notice to each member of the Council. Such notice must be communicated personally to each member or to a person of suitable age and discretion residing at the member's usual place of residence, or notice of the meeting must be transmitted to the member's residence. The presence of any member of the Council at a special meeting shall constitute a waiver of any formal notice unless the member appears for the purpose of objecting to the holding of the meeting. Formal action is taken at a special meeting, and minutes are recorded.
3. From time to time the Council may hold conference meetings at which matters are discussed but no formal action is taken.
4. All meetings of the Council shall be public unless otherwise specified by law. Any person shall have

access to any Council meeting minutes or records at all reasonable times unless access is

restricted by state or federal law. (Ref. Special Election 4/12/60, Ord. 857)

#### Section 3.02. SECRETARY OF COUNCIL.

The Council shall choose a Secretary to serve at its meetings. The Secretary shall prepare the journal of minutes of proceedings. The Secretary shall also prepare other records and perform other duties as may be required by this Charter or by vote of the Council. The Council may designate any official or employee of the City, except the City Manager or a member of the Council, to act as Secretary of the Council.

#### Section 3.03. RULES OF QUORUM AND PROCEDURE.

A majority of seated Councilmembers constitute a quorum for purposes of canvassing an election. For all other purposes three Councilmembers constitute a quorum to do business, but a lesser number may adjourn from time to time. The Mayor and other members of the Council each have one vote. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings.

#### Section 3.04. ORDINANCES, RESOLUTIONS AND MOTIONS.

Except as otherwise provided in this Charter, all legislation shall be by ordinance. Every ordinance and resolution shall be presented in writing and read in full at a Council meeting. All administrative business may be transacted by ordinary motion. Upon the vote on ordinances, motions, and resolutions the ayes and noes shall be recorded unless the vote is declared unanimous. An affirmative vote of at least three (3) members of the Council is required for the passage of all ordinances, except as otherwise provided in this Charter. Resolutions and motions require a majority vote of the Councilmembers in attendance at the meeting, except as otherwise provided in this Charter.

#### Section 3.05. PROCEDURE ON ORDINANCES.

The enacting clause of all ordinances passed by the Council shall be in the words, "The City of Fridley does ordain." Every ordinance other than emergency ordinances shall have two (2) public readings in full with at least seven (7) days between the first reading and the second reading. Any legislation prescribing a penalty for its violation shall be enacted in the form of an ordinance.

#### Section 3.06. EMERGENCY ORDINANCES.

1. 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, and which is passed by a vote of at least three (3) members of the Council, as recorded by ayes and noes.
2. No person(s), firm or corporation charged with violation of the emergency ordinance shall be prosecuted unless:
  - a) the person(s), firm or corporation has had notice of the passage of the ordinance; or
  - b) the ordinance has been filed with the City Clerk, posted in three conspicuous places in the City, and twenty-four (24) hours after the filing and posting have elapsed; or
  - c) the ordinance has been published.
3. No grant of any franchise shall ever be made by an emergency ordinance.

#### Section 3.07. SIGNING, PUBLICATION AND RETENTION OF ORDINANCES, RESOLUTIONS AND MOTIONS.

1. Every ordinance passed by the Council shall be signed by the Mayor, or by three (3) other members of the Council, and attested by the City Clerk, published and recorded.

2. Every ordinance shall be published at least once in the official newspaper of the City. If the publication of the title and a summary description of an ordinance clearly informs the public of its intents and effect, the Council may by three (3) affirmative votes of its members direct the City Manager to publish only the title of the ordinance together with a summary, with an added 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 at any other location designated by the Council. Prior to the publication of the title and summary, the Council shall approve a text of the summary that 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 requirements.
3. Every ordinance shall be recorded in its entirety by the City Clerk in a book kept for that purpose, within twenty (20) days after publication of the ordinance or of its title and summary. Proof of the publication shall be attached to and filed with the ordinance.
4. All resolutions and motions duly passed at each meeting of the Council may, at the discretion of the Council, be published in full or in part in the official newspaper of the City. In the case of partial publication, it shall be indicated in what respect they are incomplete.
5. Any administrative rule or regulation of any department of the State of Minnesota affecting the City or any statute of the State of Minnesota, or any published code, specifications or regulations prepared by an organization for general circulation and use may be adopted and incorporated in an ordinance by reference and by marking a copy of it as "official copy" and filing it for reference and inspection in the office of the City Clerk. The publication requirements of this Charter shall be as fully satisfied by this method as if the material had been set forth in the ordinance in full. (Ref. Ord. 767, Ord. 780)

#### Section 3.08. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.

Emergency ordinances, except as provided in Section 3.06 of this Chapter, and ordinances making the annual tax levy, disbursing money, determining the annual budget and providing for local improvements and assessments take effect immediately upon their passage. Every other ordinance enacted by the Council takes effect fifteen (15) days after the date of its publication, unless a later effective date is fixed in it. A resolution takes effect upon its passage.

#### Section 3.09. AMENDMENT AND REPEAL OF ORDINANCES.

No ordinance or section of an ordinance shall be amended or repealed except by ordinance. Every repealing ordinance shall refer to the ordinance repealed by title, date of passage and section number or numbers. No ordinance or section of an ordinance shall be amended by reference to its title alone. The amending ordinance shall set forth in full each section or subsection as amended. This requirement shall not apply to amendments to zoning ordinances.

#### Section 3.10. CODIFICATION OF ORDINANCES.

The ordinances of the City shall, at intervals of not more than five (5) years, be rearranged and codified with such additions and deletions as may be deemed necessary by the Council. The codification shall be published in book or continuously revised loose-leaf form or stored by electronic means such as a computer. Copies of the Code of City Ordinances or any portion of it shall be made available by the Council at the office of the City Clerk for general distribution to the public at a reasonable charge. Each copy shall contain a printed certificate attested to by the City Clerk, that the publication is correct, and each copy so published shall be received in evidence in all courts for the purpose of providing the ordinances contained in it, the same as if the original ordinances were produced in court.

**F-46: ORDINANCE NO. 1079, ADOPTED 11/04/1996.**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Blocks 2 - 6, inclusive, including vacated streets and alleys within Moore Lake Addition, Anoka County, Minnesota. All lying in the North Half of Section 23, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota, is hereby authorized to sell or enter into a contract to sell said property.

**F-47: ORDINANCE NO. 1090, ADOPTED 02/24/1997**

That the following sections of the Fridley City Charter be amended as follows:

**CHAPTER 12 MISCELLANEOUS PROVISIONS****Section 12.07. VACATION OF STREETS.**

The Council shall have the exclusive power, by resolution passed by a vote of at least four (4) members of the Council, to vacate or discontinue highways, streets, easements, and alleys within the City. Such vacations may be made only after notice and hearing of affected property owners, and upon such further terms and by such procedure as the Council may by ordinance prescribe. A record of each such vacation shall be filed in the office of the Anoka County Recorder. (Ref. Ord. 592)

**F-48: ORDINANCE NO. 1100, ADOPTED 06/14/1997**

Section 11.01 of the City Charter is hereby amended by adding the following sentence: "For purposes of this section, public utilities shall include water works, district heating systems, gas, light, power, heat, wireless or other communication services, or any other product or service the public provision of which the City Council, by ordinance, shall determine to be in the interest of its citizens."

**F-49: ORDINANCE NO. 1102, ADOPTED 09/08/1997**

That the following sections of the Fridley City Charter be amended as follows:

**CHAPTER 7 TAXATION AND FINANCE****Section 7.02. POWER OF TAXATION.**

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers in the Minneapolis, St. Paul metropolitan area. (Ref. Ord. 592)
2. The City Council may also levy a tax in any year against real and personal property within the City in addition to said limit as defined in paragraph 1 provided the Council shall:
  - A. Adopt a resolution declaring the necessity for an additional tax levy and specifying the purposes for which such additional tax levy is required.
  - B. Hold a public hearing pursuant to three (3) weeks' published notice in the official newspaper of the City setting forth the contents of the resolution described in Subdivision A.
  - C. Adopt after such public hearing a resolution by an affirmative vote of a least four (4) members of the Council which resolution provides for such levy. (Ref. Ord. 592)

**F-50: ORDINANCE NO. 1115, ADOPTED 04/06/1998**

The City Council of the City of Fridley does ordain as follows:

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows:

That part of Tracts A, B and C described below, which lies southeasterly of a line run parallel with and distant 130 feet northwesterly of Line 1 described below and westerly and northerly of Line 2 described below:

Tract A. Lot 4, Auditor's Subdivision No. 155, according to the plat thereof on file and of record in the Office of the County Recorder in and for Anoka County, Minnesota;

Tract B. The south 200 feet of the North Half of the North Half of the Southeast Quarter of Section 23, Township 30 North, Range 24 West, now known as Lot 3, Auditor's Subdivision No. 155, according to the plat thereof on file and of record in the Office of the County Recorder in and for Anoka County, Minnesota, the title thereto being registered as evidenced by Certificate of Title No. 36396;

Tract C. Lot 5, Auditor's Subdivision No. 155, according to the plat thereof on file and of record in the Office of the County Recorder in and for Anoka County, Minnesota;

Line 1. From a point on the north and south quarter line of said Section 23, distant 1442.83 feet north of the south quarter corner thereof, run northwesterly at an angle of 96 degrees 45 minutes 15 seconds from said north and south quarter line (measured from south to west) for 50.1 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 64 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 1320.45 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 12 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 100 feet; thence deflect to the left on a 05 degree 00 minute 00 second curve (delta angle 35 degrees 58 minutes 20 seconds) for 719.44 feet; thence on tangent to said curve for 365.95 feet to the point of beginning of Line 1 to be described; thence deflect to the left on a 12 degree 00 minute 00 second curve (delta angle 56 degrees 14 minutes 19 seconds) for 468.66 feet and there terminating);

Line 2. Beginning at the point of intersection of the north line of Tract B hereinbefore described, with a line run parallel with and distant 20 feet easterly of Line 3 described below; thence run southerly and southwesterly on said 20 foot parallel line to a point thereon directly opposite (measured at right angles) of the point of termination of said Line 3; thence run westerly to a point distant 120 feet northwesterly (measured at right angles) of the point of beginning of Line 1 described above; thence run northwesterly to a point distant 130 feet northwesterly (measured at right angles) of the point of beginning of said Line 1 and there terminating; together with that part of Tract B hereinbefore described, which lies northerly of the last above described strip, easterly of a line run parallel with and distant 65 feet westerly of the following described line: Beginning at the point of intersection of the north line of said Tract B with Line 3 described below; thence run southerly on said Line 3 for 50 feet; thence continue southerly on the last described course for 100 feet and there terminating;

Line 3. Beginning at a point on the east and west quarter line of said Section 23, distant 150.3 feet

west of the east quarter corner thereof; thence run southerly parallel with the east line of said Section 23 for 132.82 feet; thence deflect to the left at an angle of 14 degrees 43 minutes 29.3 seconds for 203.64 feet; thence deflect to the right at an angle of 18 degrees 45 minutes 34.7 seconds for 220 feet; thence deflect to the right on a 14 degree 00 minute 00 second curve (delta angle 37 degrees 10 minutes 00 seconds) for 265.48 feet to a point of compound curvature; thence deflect to the right on a curve having a radius of 50 feet and a delta angle of 51 degrees 00 minutes 00 seconds for 44.51 feet and there terminating; and that part of Tract A described below:

Tract A. Lot 5, Block 5, Donnay's Lakeview Manor Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Anoka County, Minnesota, the title thereto being registered as evidenced by Certificate of Title No. 27488; which lies within a distance of 20 feet easterly and 50 feet westerly of Line 1 described below:

Line 1. Beginning at a point on the east and west quarter line of Section 23, Township 30 North, Range 24 West, distant 150.3 feet west of the east quarter corner thereof; thence run southerly and parallel with the east line of said Section 23 for 106.98 feet; thence deflect to the left on a curve having a radius of 200 feet (delta angle 14 degrees 43 minutes 29.3 seconds) for 51.4 feet; thence on tangent to said curve for 144.76 feet; thence deflect to the right on a curve having a radius of 200 feet (delta angle 18 degrees 45 minutes 34.7 seconds) for 65.49 feet; thence on tangent to said curve for 186.96 feet and there terminating; together with a strip 15 feet in width adjoining and westerly of the above described strip: Beginning opposite a point on Line 1 described above, distant 303.14 feet southeasterly of its point of beginning (when measured along said Line 1 and extending southerly to the south line of the above described tract).

Except that part lying easterly of a line described as commencing at a point on the north and south quarter line of said Section 23, distant 1442.83 feet north of the south quarter corner thereof, run northwesterly at an angle of 96 degrees 45 minutes 15 seconds from said north and south quarter line (measured from south to west) for 50.1 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 64 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 1320.45 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 12 feet; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 100 feet; thence deflect to the left on a 05 degree 00 minute 00 second curve (delta angle 35 degrees 58 minutes 20 seconds) for 719.44 feet; thence on tangent to said curve for 365.95 feet; thence northwesterly, deflecting to the left 90 degrees 00 minutes 00 seconds for 120 feet to the point of beginning of the line to be described; thence northeasterly, deflecting to the right 90 degrees 00 minutes 00 seconds for 189.39 feet; thence northerly, deflecting to the left 48 degrees 53 minutes 59 seconds for 500 feet and said line there terminating.

Also except that part lying northerly of a line described as commencing at the point of beginning of Line 1 described above; thence southerly, along said Line 1, a distance of 106.98 feet; thence easterly, deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 20.00 feet to the east line of the above described property; thence southerly a distance of 28.20 feet, along said east line of the above described property to the point of beginning of the line to be described; thence northwesterly, a distance of 71.07 feet to a point on the westerly line of the above described property distant 18.84 feet southerly of

the northwest corner of the above described property, as measured along said westerly line, and said line there terminating.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City is hereby authorized to sell or enter into a contract to sell said property, except for the property described below which is to be retained by the City of Fridley:

That part of Lot 5, Auditor's Subdivision NO. 155, according to the recorded plat thereof, Anoka County, Minnesota, which lies southeasterly of Line 1 described below and northwesterly and westerly of Line 2 described below:

Line 1 Commencing at a point on the north and south quarter line of Section 23, Township 30 north, Range 24 west, distant 1,507.28 feet north of the south quarter corner thereof; then southeasterly at an angle of 83 degrees 14 minutes 45 seconds from said north and south quarter line (measured from south to east) a distance of 1,370.95 feet; thence deflect to the left 90 degrees 00 minutes 00 seconds a distance of 12 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds a distance of 372.02 feet; thence deflect to the left 35 degrees 58 minutes 20 seconds a distance of 737.97 feet thereof; thence northwesterly, deflecting to the left 90 degrees 00 minutes 00 seconds a distance 120 feet to the point of beginning of said Line 1; thence deflect to the right 121 degrees 20 minutes 27 seconds a distance of 87.64 feet; thence northeasterly a distance of 234.99 feet along a curve not tangential with the last described line, said curve is concave to the northwest, has a radius of 400.26 feet, central angle of 33 degrees 38 minutes 15 seconds, and the chord of said curve deflects 65 degrees 17 minutes 55 seconds to the left from the last described line; thence deflect from said chord to the left 14 degrees 46 minutes 21 seconds a distance of 316.24 feet; thence deflect to the left 25 degrees 37 minutes 28 seconds a distance of 127.95 feet; thence deflect to the right 14 degrees 10 minutes 15 seconds a distance of 104.99 feet to the north line of Lot 5, Block 5, Donnay's Lakeview Manor Addition, according to the recorded plat thereof, Anoka County, Minnesota, and said Line 1 there terminating.

Line 2 Commencing at a point on the north and south quarter line of Section 23, Township 30 north, Range 24 west, distant 1507.28 feet north of the south quarter corner thereof; thence southeasterly at an angle of 83 degrees 14 minutes 45 seconds from said north and south quarter line (measured from south to east) for 1370.95 feet; thence deflect to the left 90 degrees 00 minutes 00 seconds a distance of 12 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds a distance of 372.02 feet; thence deflect to the left 35 degrees 58 minutes 20 seconds a distance of 737.97 feet; thence northwesterly, deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 120 feet to the point of beginning of said Line 2 to be described; thence deflect to the right 90 degrees 00 minutes 00 seconds a distance of 189.39 feet; thence defalcate to the left 48 degrees 53 minutes 59 seconds a distance of 480.00 feet and said Line 2 there terminating.

Together with that part of Lot 5, Block 5, Donnay's Lakeview Manor Addition, according to the recorded plat thereof, Anoka County, Minnesota, which lies northeasterly and easterly of Line 1 described above and northwesterly of Line 2 described above and westerly of Line 3 described below and southerly of Line 4 described below:

Line 3 A line described as being 20 feet easterly of and parallel with a line hereinafter referred to

as Line A. Line A is described as beginning at a point on the east and west quarter line of Section 23, Township 30 north, Range 24 west, distant 150.3 feet west of the east quarter corner thereof; thence run southerly and parallel with the east line of said Section 23 for 106.98 feet; thence deflect to the left on a tangential curve having a radius of 200 feet (delta angle 14 degrees 43 minutes 29.3 seconds) a distance of 51.40 feet; thence southeasterly, tangent to said curve a distance of 144.76 feet; thence deflect to the right on a tangential curve having a radius of 200 feet (delta angle 18 degrees 45 minutes 34.7 seconds) a distance of 65.49 feet; thence on tangent to said curve a distance of 186.96 feet and said Line A there terminating.

Line 4 Commencing at a point on the east and west quarter line of Section 23, Township 30 north, Range 24 west, distant 150.3 feet west of the east quarter corner thereof; thence run southerly and parallel with the east line of said Section 23 a distance of 106.98 feet; thence easterly, deflecting to the left 90 degrees 00 minutes 00 seconds a distance of 20.00 feet to Line 3 described above; thence southerly a distance of 28.20 feet along said Line 3 to the point of beginning of Line 4 to be described; thence westerly, a distance of 71.07 feet to a point on a line 50 feet westerly of and parallel with Line A described above and distant 18.84 feet southerly of, as measured along last said parallel line, the northerly line of said Lot 5, Block 5, Donnay's Lakeview Manor Addition and said Line 4 there terminating. All lying in the South Half of Section 23, T-30, R-24 City of Fridley, County of Anoka, Minnesota.

**F-51: ORDINANCE NO. 1120, ADOPTED 11/09/1998**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: The east half of that part of the vacated alley which adjoins Lots 10-15, Block 5, Hyde Park, lying north of the south line of said lot 15 extended westerly and south of the north line of said Lot 10 extended westerly, according to the plat thereof on file and of record in the office of the County Recorder in and for Anoka County, Minnesota. All lying in Section 23, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota is hereby authorized to sell or enter into a contract to sell said property.

**F-52: ORDINANCE NO. 1132, ADOPTED 08/23/1999**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Lots 9 and 10, Block N Riverview Heights, according to the plat thereof on file and of record in the office of the County Recorder in and for Anoka County, Minnesota, All lying in Section 3, Township 30, Range 24, City of Fridley, County of Anoka, State of Minnesota, Council is hereby authorized to sell or enter into a contract to sell said property.

**F-53: ORDINANCE NO. 1135, ADOPTED 11/22/1999**

The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: That part of Outlot A, Sylvan Hills according to the plat thereof on record at Anoka County, Minnesota. Lying Easterly of the Northerly extension of the West line of Lots 1 through 15 inclusive, Block 5, Hyde Park according to the record plat thereof. And also; the West 25 feet as measured at right angles of the platted Service Road in said plat of Sylvan Hills, lying South of an Easterly extension of the North line of said Outlot A, and lying north of a line 20 feet, as measure at right angles to, and parallel with the South line of said Outlot A and its Easterly extension, is hereby authorized to sell or enter into a contract to sell said property.

**F-54: ORDINANCE NO. 1140, ADOPTED 06/26/2000****AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 2001 and subsequent years shall be as follows: Mayor-\$9,085; Councilmember-at-Large-\$7,462; Councilmember, Ward I-\$6,597; Councilmember, Ward II-\$6,597; Councilmember, Ward III-\$6,597. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F-55: ORDINANCE NO. 1141, ADOPTED 06/26/2000****AN ORDINANCE AMENDING CHAPTER 2 OF THE FRIDLEY CITY CHARTER**

The City Council of the City of Fridley does hereby ordain as follows: That the following sections of the Fridley City Charter be amended as follows:

**Section 2.06 VACANCIES IN THE COUNCIL**

1. A vacancy in the council shall be deemed to exist in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, ~~removal from the City, removal of a councilmember from that Ward,~~ continuous absence from the City for more than three (3) months, or conviction of a felony of any such person whether before or after their qualification; or by ceasing to be a resident of the city or the ward from which elected. ~~or, by reason of failure of any councilmember without good cause to perform the duties of membership in the council for a period of three (3) months.~~ In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist.

**F-56: ORDINANCE NO. 1142, ADOPTED 06/26/2000****AN ORDINANCE AMENDING CHAPTER 5 OF THE FRIDLEY CITY CHARTER**

The City Council of the City of Fridley does hereby ordain as follows: That the following sections of the Fridley City Charter be amended as follows:

**CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL****Section 5.01. POWERS RESERVED BY THE PEOPLE.**

The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes; to require ~~such an~~ any ordinance when passed by the Council to be referred to the electorate for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively. (Ref. Ord. 857)

**Section 5.02. EXPENDITURES BY PETITIONERS.**

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto. (Ref. Ord. 625)

## Section 5.03. FURTHER REGULATIONS.

1. A lawful petition under this Charter may be submitted ~~certified~~, signed and circulated upon an ordinance to be initiated, or upon an ordinance to be made the subject of a referendum ~~and or on~~ a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota, ~~and~~ Reasons stated in the proposed petition ~~certificate~~, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter or under provisions of law as may be elsewhere provided. (Ref. Ord. 625)
2. A petition under this Charter shall be filed in the office of the City Clerk as one (1) instrument, which instrument shall contain any ~~instrument~~ required documents (appropriate to the petition), a copy of any ordinance proposed, covered or affected, ~~any other document (appropriate to the petition)~~ and all the signature papers and affidavits attached in support of the same.
3. A petition may be signed by any registered voter. A petition can be circulated and verified only by a registered voter who has signed the same. All the signatures on any petition need not be on one (1) signature paper. The circulator of ~~every~~ each group of signature papers shall be verified as the circulator of the same by attached affidavit which states that each signature was signed in the circulator's presence and is of the person that the same purports to be and that each signer was affirmed as a registered voter at the residence stated thereon. Any paper lacking such affidavit or verified by an affidavit false and untrue is insufficient and void of effect. (Ref. Ord. 625, Ord. 857)
3. ~~The City Clerk shall be responsible for determining the validity of signatures. If it is obvious the signature on the petition is the signature of the person on the Voter Registration Card with which the signature is compared, the signature shall be counted as a valid signature, notwithstanding the fact that the person may have signed the petition in a different manner when they signed the Voter Registration Card. Before discarding a signature, a reasonable effort shall be made to contact the person(s) in question to determine if, in fact, they did sign the petition. (Ref. Ord. 625)~~
4. The insufficiency or irregularity of a petition shall not prejudice the filing of any new petition for the same purpose, nor shall it prevent the Council from referring any ordinance proposed to the electorate at the next regular or special election, or otherwise acting favorably upon the same. (Ref. Ord. 625)
5. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall not inconsistent with this Charter as it deems necessary. (Ref. Ord. 625)
6. The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, shall promptly forward such information to the proper authority for prosecution under State Statutes applying thereto. (Ref. Ord. 625)

## INITIATIVE

## Section 5.04. INITIATION OF MEASURES.

Any five (5) registered voters may form ~~themselves into~~ a committee for the initiation of any ordinance ~~except~~ as provided in Section 5.03.01. Before circulating any petition ~~they~~ the committee shall file a ~~verified~~

copy of ~~their~~ the proposed ordinance with the City Clerk ~~together~~ along with ~~their~~ the names and addresses as of members of ~~such~~ said committee. ~~They~~ The committee shall ~~also~~ attach a verified copy of the proposed ordinance to each of the signature papers herein described, ~~together~~ along with their names and addresses as sponsors thereof. A verified copy of the proposed ordinance shall be a copy to which the City Clerk affixes the words: "Proposed Ordinance on File. Fridley City Clerk: \_\_\_\_\_ Date: \_\_\_\_\_." (Ref. Ord. 857)

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS.

The completed petition for the adoption of any ordinance not yet in effect shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by at least ten percent (10%) of the total number of registered voters as of January 1st of that year. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to . . . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electorate for their approval.

Name (Please Print)	Address (Please Print)	Signature
1.		
2.		
3.		

At the end of ~~the list~~ each group of signatures papers shall be appended the affidavit of the circulator mentioned ~~above~~ in Section 5.03.03. (Ref. Ord. 625, Ord. 857)

Section 5.06. FILING OF PETITIONS AND ACTION THEREON.

Within five (5) days after the filing of the completed petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least ten percent (10%) of the total number of registered voters, as of January 1st of that year. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more of the committee of sponsors of that fact, ~~certifying~~ stating the reasons for the insufficiency or irregularity. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office and no further action shall be taken. The City Clerk shall notify each member of the committee of that fact. (Ref. Ord. 625, Ord. 857)

Section 5.07. ACTION OF THE COUNCIL ON PETITIONS.

When the completed petition is found to be sufficient, the City Clerk shall ~~so certify~~ transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioner, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of registered voters, the Council shall call a special election upon the measure. Such special election shall be held not less than ~~thirty~~ (30) forty-nine (49) nor more than ~~forty-five (45)~~ sixty (60) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electorate. (Ref. Ord. 857)

#### Section 5.08. INITIATIVE BALLOTS.

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies. (Ref. Ord. 625, Ord. 857)

#### Section 5.09. INITIATION OF CHARTER AMENDMENTS.

The ways to initiate amendments to this Charter are set forth in Minnesota Statutes. (Ref. Ord. 857, Ord. 914.)

### REFERENDUM

#### Section 5.10. THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total number of registered voters as of January 1st of that year request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. ~~The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of those voting is opposed to the ordinance, it shall not become effective; but if a majority of those voting favors the ordinance, it shall go into effect immediately or on the date therein specified.~~ (Ref. Ord. 857)

#### Section 5.11. REFERENDUM PETITIONS.

~~The requirements laid down in Sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. Any five (5) registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee shall file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the ordinance proposed to be repealed to the referendum shall be a copy to which the city clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk \_\_\_\_\_, Date \_\_\_\_\_."~~ A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

Name (Please Print)	Address (Please Print)	Signature
1.		
2.		
3.		

~~At the end of the list each group of signatures papers shall be appended the affidavit of the circulator mentioned above in Section 5.03.03. (Ref. Ord. 625, Ord. 857)~~

Section 5.12. FILING OF REFERENDUM PETITIONS

Within five (5) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of registered voters, as of January 1<sup>st</sup> of that year. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more of the committee of sponsors of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify each member of the committee of that fact.

Section 5.13. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition; or
2. The petitioner's committee withdraws the petition; or
3. The council repeals the ordinance; or
4. Upon seven days after canvass of election is completed when a majority of those voting favors the ordinance.

Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance, the Council shall immediately order a special election to be held thereon, not less than 49 days nor more than 60 days after such meeting, or submit the ordinance at the next regular municipal election.

~~Section 5.12~~ 5.15. REFERENDUM BALLOTS.

The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

RECALL~~Section 5.13.~~ 5.16. THE RECALL

Any five (5) registered voters may form ~~themselves into~~ a committee for the purpose of bringing about the recall of any elected officer of the City ~~in accordance with procedures established in~~ as provided in Section 5.03.01.

Before circulating any petition, the committee shall ~~certify to file with~~ file with the City Clerk ~~the name of a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about the recall~~ with their names and addresses as members of said committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. Malfeasance constitutes an illegal or harmful act which an elected official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties. ~~A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification. The committee shall also attach a verified copy of said statement to each of the signature papers herein described, together with their names and addresses as sponsors thereof. A verified copy of said statement shall be a copy to which the city clerk shall affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest):~~ Date:           . (Ref. Ord. 625, Ord. 857)

~~Section 5.14.~~ 5.17 RECALL PETITIONS.

The petition for the recall of any elected official shall consist of ~~a certificate~~ the verified statement identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be considered to be complete unless signed by at least twenty five percent (25%) of the total number of registered voters of the Ward or City represented by the office holder as of January 1st of that year. Each signature paper shall be in substantially the following form:

RECALL PETITION

Proposing the recall of . . . . . from office as . . . . . which recall is sought for the reasons set forth in the attached statement ~~certificate~~. This movement is sponsored by the following committee of registered voters:

Name	Address
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name	Address	Signature
1.		
2.		
3.		

At the end of ~~the list~~ each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.02 5.03.03. (Ref. Ord. 625, Ord. 857)

Section ~~5.15.~~ 5.18 FILING OF PETITION.

Within thirty (30) days after the filing of the original proposed petition ~~certificate~~, the committee shall file the completed petition in the Office of the City Clerk. The City Clerk shall examine the petition within the next five (5) days, and if the City Clerk finds it irregular ~~in any way~~, or finds that the number of signers is less than twenty-five percent (25%) of the total number of registered voters of the Ward or City represented by the office holder as of January 1 of that year, the City Clerk shall so notify one (1) or more members of the committee advising the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, all the members of the committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon. (Ref. Ord. 857)

Section ~~5.16.~~ 5.19 RECALL ELECTION.

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than ~~thirty (30)~~ forty-nine (49) nor more than ~~forty five (45)~~ sixty (60) days after such

meeting, but if any other election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section ~~5.17~~. 5.20. PROCEDURE AT RECALL ELECTION.

The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the elected officer concerned in justification of ~~the course~~ his/her conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted, as far as possible, in accordance with the usual procedure in municipal elections. (Ref. Ord. 857)

Section ~~5.18~~. 5.21. FORM OF RECALL BALLOT.

Unless the officer whose removal is sought resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be: "Shall \_\_\_\_\_ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote ~~separately~~ "Yes" or "No" upon this question. ~~The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of . . . . ., if recalled"; but the officer whose recall is sought shall not be a candidate upon such ballot.~~ If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the official officer shall be thereby promptly removed from office. The Council shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06. , and the candidate who receives the highest number of votes shall be elected thereto for the remainder of the unexpired term. If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer shall continue in office with no further action required. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, ~~the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election~~ the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.

(Ref. Ord. 857)

Section ~~5.19~~. 5.22. INSTRUCTIONS TO PETITIONERS.

The City Clerk shall provide to every person circulating a petition for the initiation of an ordinance, for the initiation of Charter amendments, for a referendum, or for the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts. (Ref. Ord. 625)

**F-57: ORDINANCE NO. 1152, ADOPTED 04/09/2001  
AN ORDINANCE AMENDING CHAPTER 7 OF THE FRIDLEY CITY CHARTER  
PERTAINING TO TAXATION AND FINANCES**

The City Council of the City of Fridley does hereby ordain as follows: That Section 7.02.1 of the Fridley City Charter be hereby amended as follows:

Section 7.02. POWER OF TAXATION

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied

against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index, or 5%, whichever is least. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis-St. Paul Metropolitan Area. (Ref. Ord. 592 and 1102 and 11/7/00 Amendment)

Nothing in this provision shall be construed to impair any general obligation the City may have in support of otherwise lawful indebtedness or similar obligation supported by the full faith and credit of the City, provided, however, that long-term, general obligation indebtedness shall not be used for the purpose of funding the routine and daily business operations of the City.

That Section 7.02.3 of the Fridley City Charter be hereby amended as follows:

3. Any other fees created, or increased beyond the limits set forth in subsection 1, shall require voter approval as stipulated in subsection 2.
  - A. For purposes of this subsection, “fees” includes, ~~but is not necessarily limited to,~~ sales and use taxes, ~~business and occupation taxes, excise taxes, impact fees, license fees, permit fees and any discretionary monetary charge by city government,~~ utility charges, recycling fees, gas and electric franchise fees and any other fee that produces a tax burden or direct financial obligation for all property owners and/or residents of Fridley.
  - B. For the purposes of this section, *the term* “fees” does not include: Parks and Recreation Department participation fees, charges for photo-copying, sales of municipal liquor store products, or civil and criminal fines and other charges collected in cases of restitution or violation of law or contract. *The term “fees” also does not include rental housing fees, building permit fees, liquor license fees, the extension or transfer of cable television service authority to additional service providers for which fees are already being charged, fees for the operation of junk yards, annual license fees for the operation of pawn shops and other regulated business, and any other charge for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City to its citizens or other members of the public which, by law, must be limited to the actual cost of the service being provided. The term “fees” shall not include any special assessments made under Minnesota Statutes §429.*
  - C. For the purposes of this subsection, “fee increase” includes, ~~but is not necessarily limited to,~~ a new tax or fee, a monetary increase in an existing tax or fee, a tax or fee rate increase, an expansion in the legal definition of a tax or fee base, and an extension of an expiring tax or fee.
  - D. For the purposes of this subsection, “city” includes, ~~but is not necessarily limited to,~~ the City itself and all of its departments and agencies, ~~special district, and other political subdivision or governmental instrumentality of or within the city that are organized to exercise the “Powers of the City” as defined in Chapter 1 of this Charter. “City” shall not include any body of government owing its existence to separate constitutional or statutory authority outside of the Charter, regardless of whether that other body of government has jurisdiction or performs duties and services within the boundaries of the City.~~
  - E. For the purpose of addressing natural disasters this subsection does not apply to any specific emergency measure authorized in Chapter 7, Section .08 (7.08).

**F-58: ORDINANCE NO. 1153, ADOPTED 07/23/2001  
AN ORDINANCE AMENDING SECTION 6.06, CONTRACTS, HOW LET AND CHAPTER 8.  
PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS OF THE FRIDLEY CITY  
CHARTER**

The City Council of the City of Fridley does hereby ordain as follows: That the following sections of the Fridley City Charter be amended as follows:

Section 1: That Section 6.06. CONTRACTS, HOW LET, be amended as follows:

In all cases of contracts for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the City, which require an expenditure of more than that which is set by the State Statutes, unless the Council shall by an emergency ordinance otherwise provide, the City Manager shall advertise for bids by at least ten (10) days published notice in the official newspaper. When a bid is required, it shall be let to the lowest responsible bidder who is qualified in accordance with Minnesota State Statutes as determined by the Council. The Council may, however, reject any and all bids. Nothing contained in this Section shall prevent the council from contracting for the doing of work with patented processes, or from the purchasing of patented appliances.

Section 2: that CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS, be amended as follows:

Section 8.01. THE CITY PLAN.

The present ~~Village~~ zoning and comprehensive plans shall be the plans for future physical development of the City. ~~Such p~~Plans may be altered from time to time. To alter ~~such~~ a zoning plan, the City Council shall hold a public hearing and notice published fourteen (14) days prior to hearing with notices sent to affected property owners. It may include provisions for zoning, for the platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines, and other public facilities, and for laying out, ~~grading~~ improving ~~of~~ streets and public places as well as ~~for~~ all other matters which may seem essential to such a plan.

Section 8.02. ENFORCEMENT OF CITY PLAN.

The Council shall have all necessary power, acting through the City Manager, to enforce complete adherence by all persons to the plans adopted as provided above, and to adopt and enforce a comprehensive zoning ordinance. The Council shall have power to pass ordinances to regulate the use of private property, the height of buildings, and the proportion of the area of any lot which may be built upon and to establish building lines. Such power shall be exercised to promote public health, safety, morals, welfare and convenience.

Section 8.03. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

The City shall have the power to make any and every type of public improvement not forbidden by the laws of the State and to levy special assessments to pay for all such improvements as are of a local character, in accordance with Minnesota State Statute Chapter 429, Local Improvements, Special Assessments. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvements, including all costs and expenses connected therewith, with interest, until paid, but shall not exceed the benefits to the property.

## Section 8.04. LOCAL IMPROVEMENT REGULATIONS.

~~After this Charter takes effect, all local improvements shall continue for the time being to be made under the laws and ordinances applicable thereto.~~ The City Council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall determine all matters pertaining to the making of local improvements thereafter, and such ordinance shall supplant all other provisions of law on the same subject and may be amended only by an affirmative vote of at least four (4) members of the City Council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefore as shall be necessary to meet constitutional requirements. Such ordinance shall also require a petition of a majority in number and interest of the owners of property to be assessed for such improvement, or improvements, for the initiation thereof; provided that the City Council may proceed upon its own initiative hereunder and under such ordinance by resolution adopted by ~~five (5)~~ four/fifths (4/5) affirmative votes of the City Council after a proper notice and hearing. (Ref. Ord. 776)

## Section 8.05. PUBLIC WORKS HOW PERFORMED.

1. Public works including all local improvements, may be constructed, extended, repaired or maintained either by contract or, ~~if the estimated cost is less than one thousand dollars (\$1,000),~~ directly by day labor. Before receiving bids the City Manager shall, under the direction of the City Council have suitable plans and specifications prepared for the proposed material or project and estimate of the cost thereof in detail. The award of any contract amounting to more than ~~ten~~ fifty thousand dollars (~~\$150,000~~) shall require an affirmative vote of at least four (4) members of the City Council. When the best interest of the City will be served thereby, the City Council may organize a ~~construction~~ public works department under competent supervision and provided with suitable equipment. (Ref. Ord. 776)
2. The right is reserved to the City Council, upon the recommendation of an engineer, acting through the ~~construction~~ public works department, to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder who is qualified in accordance with Minnesota State Statutes, ~~but the~~ The term "lowest responsible bidder" shall be interpreted as giving the City Council the right to accept any bid which it determines to be most advantageous to the City. The City Council shall reserve the right to reject any or all bids in accordance with Minnesota State Statute Chapter 429. Detailed proceedings governing the advertisement for bids and the execution of the contract shall be prescribed by ordinance. The City shall require contractors to furnish proper bonds for the protection of the City, the employees and material person. (Ref. Ord. 776)

**F-59: ORDINANCE NO. 1158, ADOPTED 09/10/2001  
AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F  
TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND  
COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE  
CITY OF FRIDLEY**

The City Council of the City of Fridley does hereby ordain as follows: The annual salaries for the Mayor and Councilmembers during 2002 and subsequent years shall be as follows: Mayor \$9,448.40; Councilmember at Large \$7,760.48; Councilmember Ward I \$6,860.88; Councilmember Ward 2 \$6,860.88; and Councilmember Ward 3 \$6,860.88. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F-60 ORDINANCE NO. 1163 ADOPTED 02-11-2002****F 61 ORDINANCE NO. 1166 ADOPTED 09-23-2002****AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 2003 and subsequent years shall be as follows: Mayor-\$9,636.96; Councilmember-at-Large-\$7,915.69; Councilmember, Ward I-\$6,998.22; Councilmember, Ward II-\$6,998.22; Councilmember, Ward III-\$6,998.22. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F 62 ORDINANCE NO. 1175 ADOPTED 03-24-2003****AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DELCARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF (GENERALLY LOCATED IN THE RIGHT-OF-WAY SOUTH OF 5541 5<sup>TH</sup> STREET NE**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: That part of Lots 25 and 26, Block 7, Hamiltons Addition to Mechanicsville, Anoka County, Minnesota, lying Northerly of the following described line: Commencing at the Northeast corner of said lot 26; Thence southerly along the east line of said Lot 26, a distance of 46.50 feet to the point of beginning of the line to be described: thence Northwesterly to a point on the westerly line lying 5.50 feet southerly of the Northwest corner of Lot 26 and said line there terminating.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to sell or enter into a contract to sell said property.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the sale of the above-described real estate, for \$1/square foot, to the adjacent property owner, with the following conditions:

- Purchaser cover all filing fees associated with transaction.
- Purchaser provide a guarantee of clean title.
- Parcel be combined with Purchaser's existing property.
- Purchaser prepare a quit claim deed.
- Purchaser provide the new legal description of the property to the City.
- City must approve architectural elevations of any buildings to be constructed on the combination of lots prior to issuance of any building permits.
- The sale shall be effective by July 1, 2003.

**F 63: ORDINANCE NO. 1179 ADOPTED August 11, 2003**

SECTION 1. Ordinance #1175, adopted March 24, 2003 declared real property excess, described as follows: That part of Lots 25 and 26, Block 7, Hamiltons Addition to Mechanicsville, Anoka County, Minnesota, lying Northerly of the following described line: Commencing at the Northeast corner of said lot 26; Thence southerly along the east line of said Lot 26, a distance of 46.50 feet to the point of beginning of the line to be described: thence Northwesterly to a point on the westerly line lying 5.50 feet southerly of the Northwest corner of Lot 26 and said line there terminating.

SECTION 2. The purchaser failed to effect the transaction in the required timeframe and subsequently sold the property adjoining the City's.

SECTION 3. That Ordinance #1175 is hereby repealed.

**F 64: ORDINANCE NO. 1180 ADOPTED August 11, 2003**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: That part of Lots 25 and 26, Block 7, Hamiltons Addition to Mechanicsville, Anoka County, Minnesota, lying Northerly of the following described line: Commencing at the Northeast corner of said lot 26; Thence southerly along the east line of said Lot 26, a distance of 46.50 feet to the point of beginning of the line to be described: thence Northwesterly to a point on the westerly line lying 5.50 feet southerly of the Northwest corner of Lot 26 and said line there terminating.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to sell or enter into a contract to sell said property.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the sale of the above-described real estate, for \$1/square foot, to the adjacent property owner, with the following conditions:

- Purchaser cover all filing fees associated with transaction.
- Purchaser provide a guarantee of clean title.
- Parcel be combined with Purchaser's existing property.
- Purchaser prepare a quit claim deed.
- Purchaser provide the new legal description of the property to the City.

City must approve architectural elevations of any buildings to be constructed on the combination of lots prior to issuance of any building permits. The sale shall be effective by December 1, 2003.

**F 65: ORDINANCE NO. 1198 ADOPTED November 8, 2004**

IT IS, THEREFORE, HEREBY ORDAINED BY THE CITY OF FRIDLEY, that in accordance with City Charter, this land shall be disposed of in a land exchange, rather than a sale.

IT IS FURTHER ORDAINED that the City convey to the Klein's that real property described as that 1,447 sq. ft. portion of Outlot E, Innsbruck North, Anoka County, Minnesota, labeled and described as Tract "A" on the attached sheet, and

That the City accept from the Klein's that real property described as that 1,550 sq. ft. portion of Lot 13, Block 1, Innsbruck North 2<sup>nd</sup> Addition, Anoka County, Minnesota, labeled and described as Tract "B" on the attached sheet.

IT IS FURTHER ORDAINED that the Mayor and City Manager are authorized to execute on behalf of the City any and all such documents and instruments as may be necessary to effect the foregoing on behalf of the City.

**F66: ORDINANCE NO. 1205 ADOPTED July 25, 2005**

The City Council of the City of Fridley does hereby ordain as follows:

The annual salaries for the Mayor and Councilmembers during 2006 and subsequent years shall be as follows: Mayor -\$9,926.07; Councilmember-at-Large - \$8,153.16; Councilmember, Ward I - \$7,208.17; Councilmember, Ward II - \$7,208.17; Councilmember, Ward III - \$7,208.17. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F67: ORDINANCE NO. 1206 ADOPTED JULY 25, 2005****AN ORDINANCE AMENDING FRIDLEY CITY CHARTER, CHAPTER 7. TAXATION AND FINANCES, SECTION 7.02.3.A. & B. PERTAINING TO UTILITY FEES****SECTION 1.**

The Fridley City Council hereby finds the following:

That in 2000, a successful initiative petition proposing an amendment to the Fridley City Charter requiring voter approval for tax increases beyond specified inflationary adjustments, or to create, expand or increase various fees was received and placed on the November 7, 2000, municipal election ballot. The question was approved by the voters by 57% of all people voting in the election. In an attempt to remedy confusing language contained in the amendment and potentially dangerous and costly problems for the City, an ad hoc work group met and formulated an ordinance designed to correct the language contained within the amendment. The ordinance was reviewed by the City Charter Commission and recommended to the City Council for adoption. The ordinance was approved April 9, 2001.

That in 2004, due to the City's increased costs in providing the sanitary sewer, storm water and water sales to its customers, it was found that an unintended consequence to the City had been created by the amendment by not allowing the City to recover its full costs for providing sanitary sewer, storm water and water sales. The Charter Commission recommended adoption of an ordinance removing utility fees from Section 7.03.A. of the City Charter as a defined fee that could not be increased above 5% or the rate of inflation, whichever is lower. The City Council adopted the ordinance; however, a successful Referendum Petition requesting withdrawal of the ordinance was received and placed on the November municipal election ballot. The question approving the ordinance failed and the ordinance did not become effective.

During the 2006 budget preparation and planning it was determined that sanitary sewer, storm water and water costs continue to increase due to a number of outside factors beyond the control of the city. Some of these factors include federal mandates imposing increasingly higher standards for water and sewer, higher sewage disposal charges imposed by the Metropolitan Council Environmental Services agency, and ongoing repairs and maintenance of the system's infrastructure. The City Council sent a Survey to all current city commissioners to query their thoughts about utility rates. There was overwhelming agreement that the charter should be amended to allow the city to recover its costs for sanitary sewer, storm water and water sales.

That a proposed charter amendment will help eliminate potential for long term subsidy of sanitary sewer, storm water and water deficits; provide cost recovery for federal or state mandates; and maintain all other spending restrictions which requires city council to obtain direct voter approval for programs that increase costs above 5% or the rate of inflation, whichever is lower.

**SECTION 2.**

That Chapter 5, Section 5.09 of the Fridley City Charter states that, "The ways to initiate amendments to this Charter are set forth in Minnesota Statutes. Minnesota Statutes Chapter 410.12, subd. 5, allows for the city council to propose an amendment to the voters by ordinance. This ordinance shall be submitted to the charter commission for review. After the charter commission completes its review and notifies the city council of its recommendation, the city council may submit it to the people.

SECTION 3.

That the Fridley City Council hereby ordains that the Fridley City Charter be amended and that a Special Election be held in the City of Fridley on November 8, 2005, to allow the people to vote on the following question:

*Shall the Fridley Charter be amended so as to permit water, sewer and storm water charges above the rate of inflation without the passage of a referendum for each such increase?*

- Yes  
 No

SECTION 4.

**That the City Clerk shall cause notice of said election to be given to the Anoka County Auditor within 53 days of said election and that notice of said election be published in the official newspaper of the City for at least three weeks prior to said election; and**

**That the City Council ordains that the election shall be held at the usual polling locations for the state general election, as set forth in Exhibit "A," and that said election shall be held and conducted in accordance with the Minnesota State Statutes applicable to municipal elections and the provisions of the Home Rule Charter; and**

That the City Council shall meet within seven days from said election as required by law for the purpose of canvassing said election and declaring the results thereof.

FYI – THE VOTE FAILED ON NOVEMBER 8, 2005 AND THE AMENDMENT WAS NOT ADOPTED

**F 68: ORDINANCE NO. 1215 ADOPTED DECEMBER 5, 2005**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Tract D of Registered Land Survey No. 238.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to transfer the property to Mr. and Mrs. Craft at 145 Logan Parkway for disposal.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the transfer of the above-described real estate.

**F 69: ORDINANCE NO. 1216 ADOPTED DECEMBER 5, 2005**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Tracts A and C of Registered Land Survey No. 239.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to transfer Tract A to the landowner at 160 Ely Street and Tract C to the land owner at 160 Liberty Street for disposal.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the transfer of the above-described real estate.

**F70: ORDINANCE NO. 1230, ADOPTED MARCH 27, 2006****AN ORDINANCE AMENDING CHAPTER 4 OF THE FRIDLEY CITY CHARTER PERTAINING TO APPOINTMENT OF ELECTION JUDGES**

The Fridley Charter Commission and the Fridley City Council of the City of Fridley hereby finds, after review, examination and recommendation of staff, that the Fridley City Charter be hereby amended as follows:

Fridley City Charter  
Chapter 4 – Nominations and Elections

## Section 4.05 Judges of Election

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) eligible ~~registered~~ voters for each voting precinct to be election ~~judges of elections therein~~ and one (1) registered voter ~~of the same precinct~~ to be the head election judge; or as many election judges ~~more or less~~ as may be determined by the Council.

No person signing or circulating a petition of nomination of candidate for election to office, or any member of a committee petitioning for a referendum or recall, shall be eligible to serve as a judge of such election.

**F71: ORDINANCE NO. 1234 ADOPTED AUGUST 16, 2006**

The City Council of the City of Fridley does hereby ordain as follows: The annual salaries for the Mayor and Councilmembers during 2007 and subsequent years shall be as follows: Mayor-\$10,223.85; Councilmember-at-Large-\$8,397.75; Councilmember, Ward I-\$7,424.42; Councilmember, Ward II-\$7,424.42; and Councilmember, Ward III-\$7,424.42. In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F72: ORDINANCE NO. 1244 ADOPTED JUNE 25, 2007****AN ORDINANCE OF THE CITY OF FRIDLEY AMENDING CHAPTER 7 OF THE FRIDLEY CITY CHARTER**

WHEREAS, The City of Fridley, Minnesota, under the powers vested in it under Minnesota Statutes Section 410 and its own City Charter, has the power to amend its Charter; and

WHEREAS, one method of amending its Charter is by Ordinance through the unanimous consent of its City Council; and

WHEREAS, the City, through its Council, with the review and consent of its Charter Commission, has determined that current language of the charter related to restrictions on fee increases for utility services is causing deep and significant harm to the finances of the City and that a change in the Charter language is necessary to mitigate even further harm from being caused by the Charter to the City's finances.

IT IS, THEREFORE, HEREBY ORDAINED THAT: The Charter of the City of Fridley, specifically Section 7.02, subsection 3, is hereby amended to read as follows:

3. Any other fees created, or increased beyond the limits set forth in subsection 1, shall require voter approval as stipulated in subsection 2.

A. For the purposes of this subsection, "fees" includes sales and use taxes, ~~utility charges~~, recycling fees, gas and electric franchise fees and any other fee that produces a tax burden or direct financial obligation for all property owners and/or residents of Fridley. (Ref Ord 1152)

B. For the purposes of this subsection, the term "fees" does not include: Utility charges, Parks and Recreation Department participation fees, charges for photo-copying, sales of municipal liquor store products, or civil and criminal fines and other charges collected in cases of restitution or violation of law or contract. The term "fees" also does not include rental housing fees, building permit fees, liquor license fees, the extension or transfer of cable television service authority to additional service providers for which fees are already being charged, fees for the operation of junk yards, annual license fees for the operation of pawn shops and other regulated business, and any other charge for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City to its citizens or other members of the public which, by law, must be limited to the actual cost of the service being provided. The term "fees" shall not include any special assessments made under Minnesota Statutes Section 429.

This ordinance had a referendum petition and was sent to special election where it was approved by the voters.

**F73: ORDINANCE NO. 1252 ADOPTED JULY 14, 2008****AN ORDINANCE AMENDING THE FRIDLEY HOME RULE CHARTER, CHAPTER 2. CITY COUNCIL ORGANIZATION, CHAPTER 3. PROCEDURE OF COUNCIL, CHAPTER 4. NOMINATIONS AND ELECTIONS, CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL AND CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS**

SECTION 1: THAT CHAPTER 2 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:

## CHAPTER 2. CITY COUNCIL ORGANIZATION

## SECTION 2.02. ELECTIVE OFFICERS.

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters **as defined by Section 1.04.1 of this Charter.** (~~Ref. Ord. 1034~~)
6. The Council shall ~~be the judge of the election of its members.~~ (~~Ref. Ord. 1034~~) **serve as the canvassing board for city elections.**

SECTION 2: THAT CHAPTER 3 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:

## CHAPTER 3. PROCEDURE OF COUNCIL

## SECTION 3.01. COUNCIL MEETINGS

3. From time to time the Council may hold conference meetings at which matters are discussed but no formal action is taken. **Most conference meetings should be scheduled at the same time as the City Council schedule is made by resolution.**

## Section 3.02. SECRETARY OF COUNCIL.

The Council shall ~~choose~~ **approve** a Secretary to serve at its meetings. The Secretary shall prepare the journal of minutes of proceedings. The Secretary shall also prepare other records and perform other duties as may be required by this Charter or by vote of the Council. The Council may designate any official or employee of the City, except the City Manager or a member of the Council, to act as Secretary of the Council. (~~Ref. Ord. 1074~~)

## Section 3.04. ORDINANCES, RESOLUTIONS AND MOTIONS.

Except as otherwise provided in this Charter, all legislation shall be by ordinance. Every ordinance and resolution shall be presented in writing and read in full at a Council meeting. All administrative business may be transacted by ordinary motion. Upon the vote on ordinances, motions, and resolutions the ayes and ~~noes~~ **nays** shall be recorded unless the vote is declared unanimous. An affirmative vote of at least three (3) members of the Council is required for the passage of all ordinances, except as otherwise provided in this Charter. Resolutions and motions require a majority vote of the Councilmembers in attendance at the meeting, except as otherwise provided in this Charter. (~~Ref. Ord. 1074~~)

## Section 3.06. EMERGENCY ORDINANCES.

1. 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, and which is passed by a vote of at least three (3) members of the Council, as recorded by ayes and ~~noes~~ **nays**.

## Section 3.10. CODIFICATION OF ORDINANCES.

The ordinances of the City shall, at intervals of not more than ~~five (5)~~ **ten (10)** years, be rearranged and codified with such additions and deletions as may be deemed necessary by the Council. The codification shall be published in book or continuously revised loose-leaf form or stored by electronic means such as a computer. Copies of the Code of City Ordinances or any portion of it shall be made available by the Council at the office of the City Clerk for general distribution to the public at a reasonable charge. Each copy shall contain a printed certificate attested to by the City Clerk, that the publication is correct, and each copy so published shall be received in evidence in all courts for the purpose of providing the ordinances contained in it, the same as if the original ordinances were produced in court. (~~Ref. Ord. 1074~~)

SECTION 3: THAT CHAPTER 4 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.02. REGULAR MUNICIPAL ELECTIONS.

~~Regular municipal elections shall be held~~ **On** the first Tuesday after the first Monday in November **municipal general elections shall be held**, at such place or places as the City Council may designate by resolution. ~~Regular~~ **General** municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election. ~~(Ref. Ord. 919)~~

Section 4.08. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

**If more than two candidates filed for office, the Council shall meet and canvass the primary election returns within two (2) calendar days after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the County Auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvass the general (regular) election or special election returns within** seven (7) calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office. ~~(Ref. Ord. 592)~~

SECTION 4: THAT CHAPTER 5 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:

CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.02. Expenditures by Petitioners

No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, ~~pecuniary~~ **monetary** or otherwise, for service rendered in connection with the circulation thereof, ~~but~~ **This shall not prevent the committee from paying for legal advice; and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries fees...**

Section 5.07. Action of the Council on Petitions

When the completed petition is found to be sufficient, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioner, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of registered voters, the Council shall call a special election upon the measure. Such special election shall be held not less than ~~forty-nine (49)~~ **fifty-three (53)** nor more than sixty (60) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electorate. (Ref. Ord. 857, 1142)

Section 5.12. FILING OF REFERENDUM PETITIONS

**1. REFERENDUM PETITION PROPOSING REPEAL OF CHARTER AMENDMENT**

**The requirements for the purpose of petitioning for a referendum repealing a charter amendment are set forth in Minnesota Statutes.**

**2. REFERENDUM PETITION PROPOSING REPEAL OF AN ORDINANCE**

Within five (5) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the total number of registered voters, as of January 1<sup>st</sup> of that year. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more of the committee of sponsors of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify each member of the committee of that fact. (Ref. Ord. 1142)

**Section 5.13. REFERENDUM PETITIONS; SUSPENSION OF EFFECT ON ORDINANCE**

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

5. There is a final determination of insufficiency of the petition; or
6. The petitioner's committee withdraws the petition; or
7. The council repeals the ordinance; or
8. Upon seven days after canvass of election is completed when a majority of those voting ~~favours the~~ **on any such ordinance vote in favor of it.**

**Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS**

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and ~~no~~ **nay** vote re-affirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance, the Council shall immediately order a special election to be held thereon, not less than ~~forty-nine (49)~~ **fifty-three (53)** nor more than 60 days after such meeting, or submit the ordinance at the next regular municipal election. (Ref. Ord. 1142)

**Section. 5.19. RECALL ELECTION.**

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than ~~forty-nine (49)~~ **fifty-three (53)** nor more than sixty (60) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time. (Ref. Ord. 1142)

**Section 5.21. FORM OF RECALL BALLOT.**

**1. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.**

**2. Unless the officer whose removal is sought resigns If the officer sought to be recalled does not resign within ten (10) days after the receipt by the Council of the completed recall petition, the form of question to be placed on the ballot at such the recall election referenced in Section 5.19 of the Charter, shall be: "Shall \_\_\_\_\_ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and those voting shall be permitted to vote "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the officer shall be promptly removed from office. The Council shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06. If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer shall continue in office with no further action required. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the Council shall declare the office vacant and shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.**

SECTION 5: THAT CHAPTER 6 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:

**CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS**

Section. 6.06. CONTRACTS, HOW LET.

In all cases of contracts for the purchase, rental, or lease of merchandise, materials or equipment, or for any kind of construction work undertaken by the City, which require an expenditure of more than that which is set by the State Statutes, ~~unless the Council shall by an emergency ordinance otherwise provide,~~ the City Manager shall advertise for bids by at least ten (10) days published notice in the official newspaper or other means authorized by state statute. In accordance with Section 3.06 of the city charter the city council has the authority to for go this requirement to advertise for bids. When a bid is required, it shall be let to the lowest responsible bidder who is qualified in accordance with Minnesota State Statutes as determined by the Council. The Council may, however, reject any and all bids. Nothing contained in this Section shall prevent the council from contracting for the doing of work with patented processes, or from the purchasing of patented appliances.

**F74: ORDINANCE NO. 1253 ADOPTED JULY 28, 2008**

AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF

- SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows:
  - Lots 4 through 8, inclusive, of Block M, Riverview Heights, as recorded in the office of the Anoka County Recorder and subject to an easement of record.
- SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to transfer Lots 7 and 8, inclusive, of Block M, Riverview Heights to Garland C. Lagesse, Jr. and Jane M. Lagesse of 7951 Broad Avenue and Lots 4 through 6, inclusive of Block M, Riverview Heights to Justin F. and Natalie J. Chapweske of 530 Drover Street NE, Fridley, MN for disposal.
- SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the transfer of the above-described real estate.

**F75: ORDINANCE NO. 1254 ADOPTED SEPTEMBER 15, 2008**

AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY

The City Council of the City of Fridley does hereby ordain as follows:

The annual salaries for the Mayor and Councilmembers during 2009 and subsequent years shall be as follows:

Mayor	\$ 10,530.57
Councilmember-at-Large	\$ 8,649.68
Councilmember, Ward I	\$ 7,647.15
Councilmember, Ward II	\$ 7,647.15
Councilmember, Ward III	\$ 7,647.15

In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

**F76: ORDINANCE NO. 1260 ADOPTED JULY 27, 2009**

Amending Section 7.02 of the Fridley City Charter - A petition objecting to the adopted ordinance and amendment was received suspending the ordinance and sending the question to a **special election on December 8, 2009**. The question **failed** and the ordinance was repealed, thereby leaving Section 7.02 the same.

**F77: ORDINANCE NO. 1269 ADOPTED MAY 24, 2010**

AN ORDINANCE AMENDING CHAPTER 4 OF THE FRIDLEY CITY CHARTER PERTAINING TO PRIMARY ELECTIONS

## Section 4.03. PRIMARY ELECTIONS.

~~On the first Tuesday after the second Monday in September~~ There shall be a primary election, on the date established by Minnesota State Law, for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

## Section 4.08. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

If more than two candidates filed for office, the Council shall must meet and canvass the primary election returns ~~within two (2)~~ on the third calendar days after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvas the general (regular) election or special election returns ~~within seven (7)~~ between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office. (Ref. Ord. 1252)

**F78: ORDINANCE NO. 1289, ADOPTED FEBRUARY 12, 2012**

AN ORDINANCE AMENDING CHAPTER 2, SECTION 2.06 OF THE FRIDLEY CITY CHARTER TO ALLOW FOR A VACANCY OF A COUNCILMEMBER TO BE FILLED BY APPOINTMENT

## FRIDLEY CITY CHARTER

## CHAPTER 2. CITY COUNCIL ORGANIZATION

## Section 2.06. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, continuous absence from the City for more than three (3) months, failure to attend any council meetings for three (3) consecutive months, or conviction of a felony of any such person whether before or after their qualification; or by ceasing to be a resident of the city or the ward from which elected. In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist. (Ref. Ord. 1141)
2. If a vacancy is declared to exist, the Council shall, within 30 days, appoint by majority vote a qualified person to assume the office until the next general election. If the council cannot agree on an appointment within the required timeframe, the Mayor shall appoint a qualified person to fill the position. The term of office to be filled at the next general election shall be for the unexpired portion of the term or for a full term depending on the timeframe when the vacancy has been declared to exist. ~~to occur before filings for the next election of the office in question are closed, the Council shall call a special election to be held not less than thirty (30) days nor more than sixty five (65) days from the time such vacancy is declared. The Council shall designate a period of eight (8) to twelve (12) consecutive working days for the purpose of filing nomination petitions in accordance with Section 4.06. (Ref. Ord. 1034)~~
3. ~~In the case of a special election to fill the vacancy, the procedure provided in Section 4.03, Primary Elections, and Section 4.04, Special Elections, shall be followed except for the scheduling of election dates, which must be within the time frame specified here. The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term. (Ref. Ord. 857, Ord. 1034)~~
4. ~~If the vacancy is declared to occur in the fourth year of the term of office after filings for the office in question are closed, but before October 1, the Council shall appoint [within thirty (30) days of the vacancy~~

~~declaration] by majority vote a qualified citizen who has not filed for any municipal office in the general election in question. The appointee shall assume the office immediately and complete the unexpired term. (Ref. Ord. 1034)~~

~~5. If the vacancy is declared to occur on or after October 1 of the fourth year of the term, the winner of the general election shall be qualified and take office immediately. If the winner of the general election cannot take office due to reasons indicated in Section 2.06.01 above, the Council shall declare a vacancy and order a special election as provided for in Sections 2.06.02 and 2.06.03 above. The person so elected shall serve out any of the remainder of the unexpired term as well as the full four year term. (Ref. Ord. 1034)~~

~~3. 6. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the end of the Mayor's term vacancy is filled. The Councilmember-at-Large shall then be declared vacant and it shall be filled as defined in Section 2.06.2 of the City Charter.~~

~~4. 7. If at any time the membership of the Council is reduced to less than three (3) members, the City Manager shall order a special election to be held not less than thirty (30) days nor more than sixty-five (65) days from the time the multiple vacancies occurred. A period of eight (8) to twelve (12) consecutive working days shall be designated for the purpose of filing nomination petitions in accordance with Section 4.06. The winner(s) of the special election shall be by a plurality of votes cast for each office, regardless of the number of candidates and shall take office immediately upon certification by the board of canvass and shall fill the unexpired terms of said offices. after the manner provided in Sections 2.06.02 and 2.06.03 above to bring the membership of the Council up to five (5). (Ref. Special Election 3/25/75, Ord. 776, Ord. 857, Ord. 1034)~~

~~5. 8. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election. (Ref. Ord. 1034)~~

### **F79: ORDINANCE NO. 1304, ADOPTED APRIL 22, 2013**

#### **AN ORDINANCE AMENDING CHAPTER 4 OF THE FRIDLEY CITY CHARTER ENTITLED NOMINATIONS AND ELECTIONS**

The City Council of the city of Fridley hereby finds, after review, examination and recommendation by the Fridley Charter Commission and staff, that the Fridley City Charter be hereby amended as follows:

#### **Section 1: That Section 4.04 be hereby amended as follows:**

Section 4.04. SPECIAL ELECTIONS.

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections and Minnesota Election Laws. Special elections for vacancies in the City Council shall be held in accordance with provisions of Section 2.06.

#### **Section 2: That Section 4.05 be hereby amended as follows:**

Section 4.05. JUDGES OF ELECTION.

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) eligible voters for each voting precinct to be election judges and one (1) registered voter to be head election judge; or as many election judges as may be determined by the City Clerk Council. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election.

#### **Section 3: That Section 4.07 be hereby amended as follows:**

Section 4.07. NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached ~~an~~ a notarized affidavit of the circulator thereof stating:

- (1) the number of signers of such paper, ~~and~~
- (2) that each signature appended thereto was made in the circulator's presence, and
- (3) that it is the genuine signature of the person whose name it purports to be.

With each signature there shall be stated the printed name, birth year, and address place of residence of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as

follows:

**NOMINATION PETITION**

We, the undersigned, registered voters of the City of Fridley, hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

<u>Printed Name</u>	<u>Birth Year</u>	<u>Address Street and Number</u>	<u>Signature</u>

\_\_\_\_\_, being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing \_\_\_\_\_ signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Seal

\_\_\_\_\_  
Notary Public

This petition, if found insufficient by the City Clerk, shall be returned to \_\_\_\_\_, at Number \_\_\_\_\_, Street Fridley, MN 554\_\_\_\_.

I hereby indicate my willingness to accept the office of \_\_\_\_\_ if duly elected thereto. )

**Section 4: That Section 4.08 be hereby amended to become Section 4.09 and that new Section 4.08 be hereby enacted as follows:**

Section 4.08. WRITE-IN CANDIDATES

A candidate for any city office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (7th) day before the primary, general or special municipal election. The city clerk shall provide the form to make the request.

**Section 5: That Section 4.09 be hereby amended as follows:**

Section 4.089. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvass the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include:

- (a) the total number of ~~good ballots~~ votes cast;
- (b) ~~the total number of spoiled or defective ballots;~~ the total number of individuals registered before 7:00 a.m. on election day and the total number of individuals registering on election day;
- (c) the total votes cast for each candidate, with a declaration of those who are elected;
- (d) a true copy of the ballots used;
- (e) the names of the judges of election; and
- (f) such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office.

**F80: ORDINANCE NO. 1305, ADOPTED APRIL 22, 2013**

**AN ORDINANCE AMENDING THE FRIDLEY CITY CHARTER, CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL**

WHEREAS, Minnesota Statute Section 410.12, Subd. 7. allows the Charter to be amended by ordinance upon

recommendation of the Charter Commission; and  
 WHEREAS, after review, examination and recommendation by the Fridley Charter Commission, the Fridley City Council hereby ordains that the Fridley City Charter be hereby amended as follows:

**FRIDLEY CITY CHARTER**  
**CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL**

**Section 1: That Section 5.03 be hereby amended as follows:**

Section 5.03. FURTHER REGULATIONS

3. ~~A petition may be signed by any registered voter. A petition can be circulated and verified only by a registered voter who has signed the same. All the signatures on any petition need not be on one (1) signature paper. The circulator of each group of signature papers shall be verified as the circulator of the same by attached affidavit which states that each signature was signed in the circulator's presence and is of the person that the same purports to be and that each signer was affirmed as a registered voter at the residence stated thereon. Any paper lacking such affidavit or verified by an affidavit false and untrue is insufficient and void of effect. (Ref. Ord. 625, 857, 1142)~~

A petition ~~may~~ shall be circulated ~~only~~ by a registered voter of the City. A petition ~~may~~ shall be signed by ~~any~~ registered voters of the City. All the signatures on any petition need not be on one (1) signature paper. The circulator of the petition shall be certified as the circulator of the petition by an attached notarized affidavit which states:

- (1) that the circulator has signed the petition;
- (2) that each signature was signed in the circulator's presence;
- (3) the signature is from the person who signed the petition in front of the circulator; and
- (4) that each signer affirmed they were a registered voter at the residence stated thereon.

Any signature paper lacking the notarized affidavit shall be void. If void, the signatures on that paper shall not be used in the calculation of signatures needed to fulfill the petition requirement.

**Section 2: That Section 5.05 be hereby amended as follows:**

**INITIATIVE**

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS.

The completed petition for the adoption of any ordinance not yet in effect shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by at least ~~ten percent (10%)~~ fifteen percent (15%) of the total ~~number of registered voters as of January 1st of that year~~ votes cast at the last state general election in the City. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to . . . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the electorate for their approval.

Name (Please Print)	<b>Birth Year</b>	Address (Please Print)	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03.

**Section 3: That Section 5.06 be hereby amended as follows:**

Section 5.06. FILING OF PETITIONS AND ACTION THEREON.

Within ~~five (5)~~ ten (10) days after the filing of the completed petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least ~~ten percent (10%)~~ fifteen percent (15%) of the total ~~number of registered voters, as of January 1st of that year~~ votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one (1) or more members of the petition committee ~~of sponsors~~ of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ~~thirty (30)~~ ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk's office and no further action shall be taken. The City Clerk shall notify one (1) or more members of the ~~each member of the~~ petition committee of that fact.

**Section 4: That Section 5.07 be hereby amended as follows:**

Section 5.07. ACTION OF THE COUNCIL ON INITIATIVE PETITIONS.

When the completed petition is found to be sufficient, ~~the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioner, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election; but if the number of signers of the petition is equal to at least fifteen percent (15%) of the total number of registered voters, the Council shall call a special election upon the measure. Such special election shall be held not less than fifty three (53) nor more than sixty (60) days from the date of final action on the ordinance by the Council or after the expiration of sixty five (65) days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the electorate. (Ref. Ord. 857, 1142, 1252)~~

A. Completed Petition With Signatures Under 25%

When the completed petition is found to be sufficient, with the number of signers of the petition not less than fifteen percent (15%) and less than twenty-five percent (25%) of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to a majority of the petition committee, the proposed ordinance shall be submitted by the Council to the electorate at the next regular municipal election.

B. Completed Petition With Signatures of 25% or More

When the completed petition is found to be sufficient with the number of signers of the petition equal to at least twenty-five percent (25%) or more of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance shall become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition, the Council shall call for an election and place the question on the ballot. If the petition is

submitted by July 1st of an even year, the question shall be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council shall call for a special election subject to Minnesota Election Law.

**Section 5: That Section 5.08 be hereby amended as follows:**

Section 5.08 INITIATIVE BALLOTS

The ballots used when voting upon such proposed ordinance shall state the substance of the ordinance and shall give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on such an ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election; ~~but~~ the voter shall be allowed to vote for or against each separately. In the case of inconsistency between two (2) or more initiative ordinances approved by the voters, the ordinances shall not go into effect until the City Council has had sixty (60) days to resolve the inconsistencies.

**Section 6: That Section 5.10 be hereby amended as follows:**

REFERENDUM

Section 5.10. THE REFERENDUM.

If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total ~~number of registered voters as of January 1st of that year~~ votes cast at the last state general election in the City request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation.

**Section 7: That Section 5.11 be hereby amended as follows:**

Section 5.11. REFERENDUM PETITIONS.

Any five (5) registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee shall file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee shall attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers herein described, along with their names and addresses as sponsors thereof. A verified copy of the ordinance proposed to be repealed to the referendum shall be a copy to which the city clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk \_\_\_\_\_, Date \_\_\_\_\_." A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the City, petition the Council for its submission to the electorate for their approval or disapproval.

Name (Please Print)	<u>Birth Year</u>	Address (Please Print)	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03.

**Section 8: That Section 5.12 be hereby amended as follows:**

Section 5.12. FILING OF REFERENDUM PETITIONS

2. REFERENDUM PETITION PROPOSING REPEAL OF AN ORDINANCE

Within ~~five (5)~~ ten (10) days after the filing of the completed referendum petition, the City Clerk shall ascertain by examination the number of signatures appended thereto and whether this number is at least fifteen percent (15%) of the

total ~~number of registered voters, as of January 1<sup>st</sup> of that year~~ votes cast at the last state general election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once ~~forthwith~~ notify one (1) or more members of the petition committee of sponsors of that fact, stating the reasons for the insufficiency or irregularity. The committee shall then be given ~~thirty (30)~~ ten (10) days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall be filed in the City Clerk’s office, no further action shall be taken, and the ordinance will become effective immediately or on the date specified. The City Clerk shall notify one (1) or more members ~~each member~~ of the petition committee of that fact.

**Section 9: That Section 5.14 be hereby amended as follows:**

Section 5.14. ACTION OF THE COUNCIL ON REFERENDUM PETITIONS

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and nay vote re-affirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance by August 1st of an even year, the question shall be placed on the next regular municipal election ballot. If approved after August 1st of an even year, the Council shall immediately order a special election to be held thereon, not less than 53 days nor more than 60 days after such meeting, or submit the ordinance at the next regular municipal election subject to Minnesota Election Law.

**Section 10: That Section 5.17 be hereby amended as follows:**

Section 5.17 RECALL PETITIONS.

The petition for the recall of any elected official shall consist of the statement identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be considered to be complete unless signed by at least twenty five percent (25%) of the total ~~number of registered voters of~~ votes cast in the last state general election in the Ward or City represented by the office holder as of January 1st of that year. Each signature paper shall be in substantially the following form:

**RECALL PETITION**

Proposing the recall of . . . . . from office as . . . . . which recall is sought for the reasons set forth in the attached statement. This movement is sponsored by the following committee of registered voters:

Name	Address
1.	
2.	
3.	
4.	
5.	

The undersigned registered voters, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
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At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03.

**Section 11: That Section 5.18 be hereby amended as follows:**

Section. 5.18 FILING OF PETITION.

Within thirty (30) days after the filing of the original proposed petition, the committee shall file the completed petition in the Office of the City Clerk. The City Clerk shall examine the petition within the next ~~five (5)~~ ten (10) days, and if the City Clerk finds it irregular, or finds that the number of signers is less than twenty-five percent (25%) of the total ~~number of registered voters or votes cast in the last state general election in~~ the Ward or City represented by the office holder as ~~of January 1 of that year~~, the City Clerk shall ~~at once so~~ notify one (1) or more members of the petition committee advising the reasons for the insufficiency or irregularity. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. The calculation of the ten days begins on the date the letter is postmarked. The City Clerk shall have five (5) days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient or irregular, one (1) or more ~~all the~~ members of the petition committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall be taken thereon.

**Section 12: That Section 5.19 be hereby amended as follows:**

**Section. 5.19. RECALL ELECTION.**

If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election ~~not less than fifty three (53) nor more than sixty (60) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time~~ subject to Minnesota Election Law.

**F81: ORDINANCE NO. 1306, ADOPTED JULY 8, 2013**

- SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Lot 11, Block 2, Marian Hills 2nd Addition
- SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to transfer the above described to a private party, to be named upon completion of negotiations.
- SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the transfer of the above-described real estate.

**F82: ORDINANCE NO. 1307, ADOPTED SEPTEMBER 23, 2013**

**AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY**

The annual salaries for the Mayor and Councilmembers during 2014 and subsequent years shall be as follows:

Mayor	\$10,688.53
Councilmember-at-Large	\$8,779.42
Councilmember, Ward I	\$7,761.85
Councilmember, Ward II	\$7,761.85
Councilmember, Ward III	\$7,761.85

In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley

**F83: ORDINANCE NO. 1310, ADOPTED DECEMBER 2, 2013**

**AN ORDINANCE AMENDING THE FRIDLEY HOME RULE CHARTER, CHAPTER 7. TAXATION AND FINANCES, CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS, CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES, AND CHAPTER 12. MISCELLANEOUS PROVISIONS**

After consideration and recommendation of the Fridley Charter Commission, the Fridley City Council hereby

ordains, after findings, review, and examination, that the Fridley Home Rule Charter be hereby amended as follows:

**SECTION 1: THAT CHAPTER 7 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

CHAPTER 7. TAXATION AND FINANCES

SECTION 7.02. .

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index, or 5%, whichever is ~~least~~ less. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area.

**SECTION 2: THAT CHAPTER 8 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SECTION 8.01. THE CITY PLAN

The present zoning and comprehensive plans shall be the plans for future physical development of the City. Plans may be altered from time to time. To alter a zoning plan, the City Council shall hold a public hearing, ~~and a~~ Notice ~~shall be~~ published fourteen (14) days prior to ~~said~~ hearing with notices sent to affected property owners. It may include provisions for: ~~zoning, for the platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines, and other public facilities, and for laying out, improving streets and public places as well as all other matters which may seem essential to such a plan~~

- zoning;
- platting and development of new areas;
- planning and location of public works of art;
- public buildings;
- parks;
- playgrounds;
- bridges;
- public transportation services and facilities;
- other public facilities;
- designing and improving streets
- designing and improving public places
- other matters which may seem essential to the City plan.

Section 8.05. PUBLIC WORKS HOW PERFORMED.

1. Public works including all local improvements, may be constructed, extended, repaired or maintained either by contract or directly by day labor. Before receiving bids the City Manager shall, under the direction of the City Council have suitable plans and specifications prepared for the proposed material or project and estimate of the cost thereof in detail. The award of any contract amounting to more than ~~fifty thousand dollars (\$50,000)~~ what is allowable under Minnesota state statutes shall require an affirmative vote of at least four (4) members of the City Council. When the best interest of the City will be served thereby, the City Council may organize a public works department ~~under competent supervision~~ and provided ~~the~~ department with suitable equipment.

**SECTION 3: THAT CHAPTER 11 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

CHAPTER 11. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.04. CITY TO PAY FOR SERVICES

The Council shall make ~~a~~ reasonable charges, based on the cost of service, for lighting the streets and public buildings, ~~or~~ for supplying heat, power or any other utility, and ~~reasonable charges~~ for supplying the City with water, ~~and~~ The City shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat,

power, water and other services shall be collected in the same manner as from other consumers, unless the Council provides some other plan.

Section 11.08. COMMISSION AT DISCRETION OF COUNCIL

The City Council may establish a public utilities commission as defined and authorized by state law. The commission's membership, organization, rules and regulations, officers, salary, jurisdiction, powers, disbursements, reports and abolition of the commission ~~will be at the discretion of the Council by a majority~~ shall require an affirmative vote of at least four (4) members of the City Council.

**SECTION 4: THAT CHAPTER 12 OF THE FRIDLEY HOME RULE CHARTER BE HEREBY AMENDED AS FOLLOWS:**

CHAPTER 12. INITIATIVE, REFERENDUM AND RECALL

Section 12.01. OFFICIAL PUBLICATIONS

The Council shall regulate by ordinance, subject to the requirements of this Charter, the manner in which official publicity shall be given to the holding of elections, ordinances, resolutions, requests for bids upon contemplated purchases and contracts, and all other matters whatsoever which require publication either by the provisions of this Charter or by the laws of Minnesota. It shall annually designate a legal newspaper of general circulation in the City as the official newspaper in which shall be published such measures and matters as are by the laws of this State and this Charter required to be so published, and such other matters as the Council may deem it advisable and in the public interest to have published in this manner.

~~The Council may in At~~ its discretion, ~~in addition to the publications required by this Charter, the City Council may also~~ provide for the publication of important city information including but not limited to the annual budget, ordinances, and resolutions, ~~election notices, and such other measures and matters as it may deem wise. It shall be done~~ Such publication may be done by mailing or posting of ~~typewritten, mimeographed or~~ printed copies thereof upon bulletin boards located in public places of the City in such number and for such period of time as the Council may direct in each case. In addition, the city council may use electronic means for publication. Nothing herein contained shall be construed as authorizing or attempting to authorize any violation of the Constitution or the Statutes of the State in any matter which is of State concern or which is exclusively under State control.

Section 12.02. PUBLICITY OF RECORDS.

All records and accounts of every office, department or agency of the City shall be open to inspection ~~by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager and approved by the City Council, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish~~ in accordance with the Minnesota Government Data Practices Act.

**F84: ORDINANCE NO. 1314, ADOPTED 04/28/2014**

AN ORDINANCE OF THE CITY OF FRIDLEY, MINNESOTA, AMENDING CITY ORDINANCE NO. 1095, THE PREVAILING HOURS OF LABOR AND PREVAILING WAGE RATE ON CERTAIN PROJECTS FOR OR WITH THE CITY

The City Council of the City of Fridley does ordain as follows:

Subdivision 1. Legislative Findings. The City of Fridley finds it to be in the best interest of its citizens that buildings and public works projects constructed with City funds be constructed and maintained by the best means and highest quality of labor reasonably available, ~~and~~ ~~That~~ persons working under contract on buildings and public works constructed in whole or in part with City funds should be compensated according to the real value of the services they perform which, for purposes of this Ordinance, is defined as the prevailing wage and hours of employment as determined for the City by the Minnesota Department of Labor and Industry, pursuant to Minnesota Statutes, Section 177.42, subd. 6.

Subdivision 2. Prevailing Wage and Hours on Certain City-related or funded Projects.

- a. Wages paid for all work performed by contractors and subcontractors that is financed in whole or in part by funds obtained by bonds issued by the City, including but not limited to Industrial Revenue

Bonds, and all projects let after May 1, 1997, financed by General Obligation Tax Increment Bonds shall be paid in accordance with the prevailing wage and hourly rate.

- b. Wages paid for all work performed by contractors and subcontractors on any project let after May 1, 1997, that is financed in whole or in part by City funds shall be paid in accordance with the prevailing wage and hourly rate.
- c. Wages paid for all work performed on any project for a Developer in conjunction with the Developer’s development of real property in the City if the Developer purchases said real property from the City for less than its fair market value, or if the City grants or loans money to the Developer for the development of said real property, shall be paid in accordance with the prevailing wage and hourly rate.
- d. The term “City” shall refer to the City of Fridley and to all related agencies, including, but not limited to all Housing and Redevelopment Authorities and Economic Development Authorities created by the City of Fridley.

Subdivision 3. Exceptions. This ordinance shall not apply to the following circumstances:

- a. Any project financed by City funds or bonds authorized by the City as provided in subdivision 2 that has a value of \$25,000.00 or less or a value equal to or less than the amount required for sealed bids by Minnesota Statutes, Section 471.345, subd. 3.
- b. Any housing project or program within the City directed to or marketed for owner occupancy.
- c. Any housing project or program directed at rental units containing eight or fewer units.
- d. Any residential rehabilitation project regardless of size, entirely paid for with non-City funds.

**F85: ORDINANCE NO. 1317, ADOPTED 06/23/2014**

AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER DECLARING CERTAIN REAL ESTATE TO BE SURPLUS AND AUTHORIZING THE SALE THEREOF

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows:

All that part of Lots 26 and 27, Block 4, Hyde Park Addition that lies Southeasterly of the following described line:

Commencing at the Northwest corner of Lot 30, Block 4, Hyde Park Addition; thence South along the West line of said Lot 30 a distance of 6 feet; thence East parallel with the North line of said Lot 30 a distance of 57.49 feet; thence on a tangential curve to the right with a radius of 45 feet a distance of 60.53 feet; thence Southerly tangent to last described curve a distance of 60.20 feet; thence Southwesterly on a tangential curve to the right on a curve with a radius of 55 feet a distance of 77.93 feet; thence continuing Southwesterly tangent to the last described curve a distance of 9.53 feet; thence Southwesterly on a tangential curve to the left having a radius of 120 feet to its intersection with the West line of Block 4, Hyde Park Addition, and there terminating, Anoka County, Minnesota, together with vacated alley that accrues thereto.

SECTION 2. It is hereby determined by the City Council that the City no longer has any reason to continue to own said property, and the City Council is hereby authorized to transfer said property to the Housing and Redevelopment Authority in and for the City of Fridley, MN for disposal.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to affect the transfer of the above-described real estate.

**F86: ORDINANCE NO. 1318, ADOPTED 12/08/2014**

AN ORDINANCE AMENDING FRIDLEY CITY CHARTER CHAPTER 7 TAXATION AND FINANCES, SECTIONS 7.04 PREPARATION OF ANNUAL BUDGET; SECTION 7.05 PASSAGE OF BUDGET

**SECTION 7.04. PREPARATION OF ANNUAL BUDGET**

1. The City Manager shall prepare the estimates for the annual budget which shall include any estimated deficit for the current year. The estimates of expenditures shall be submitted by each department to the City Manager. Each estimate shall be divided into three (3) major subdivisions as follows: (a) Salaries and Wages, (b) Ordinary Expenses, (c) Capital Outlay. Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify the request. Ordinary expenses shall be broken down into such detail as the City Manager shall direct. Capital Outlay shall be itemized as to items and amounts. (Ref. Ord. 625)

2. In parallel columns shall be added the amounts expended under similar headings for the two (2) preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the City Manager shall prepare a detailed statement of revenues collected for the two (2) preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The estimates shall be submitted to the Council ~~at its last regular monthly meeting in August~~ in accordance with Minnesota State Law, and shall be published twice in summary in the official publication prior to November 15. (Ref. Ord. 625, Ord. 946)

**SECTION 7.05. PASSAGE OF THE BUDGET**

The budget shall be a principal item of business at ~~the last regular monthly meeting of the Council in August a~~ regular meeting in September, and ~~the~~ The Council shall hold subsequent meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions prior to passage of the final budget. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in such detail as may be determined by the City Council, the complete financial plan of the City for the ensuing fiscal year, and shall be signed by the majority of the Council upon being adopted. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 7.04. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget by resolution in accordance with State Law. The resolution shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 7.04. The budget resolution as adopted shall be published in the official publication. (Ref. Ord. 625, Ord. 946)

**F87: ORDINANCE NO. 1329 ADOPTED FEBRUARY 22, 2016****AN ORDINANCE AMENDING CHAPTER 6 OF THE FRIDLEY CITY CHARTER ENTITLED ADMINISTRATION OF CITY AFFAIRS****Section 1: That Section 6.02 be hereby amended as follows:**

## Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

~~Subject to the provisions of this Charter and any regulations consistent therewith which may be adopted by the council;~~ The City Manager shall control and direct the administration of the City's affairs subject to the provisions of this Charter and other regulations adopted by the City Council. The City Manager's powers and duties shall be:

- (a) To ~~enforce this~~ ensure the City Charter, ~~and the~~ laws, ordinances and resolutions of the City are enforced;
- (b) To ~~appoint with the consent and approval of the Council all subordinate officers and all city~~ employees on the basis of qualification and experience and provide written notice of such actions to the City Council;
- (c) To remove any ~~subordinate officer or employee, provided that the Council is notified;~~ city employee subject to law and provide written notice of such actions to the City Council;

- (d) To exercise control over all departments and divisions of the City administration created by this Charter or which may hereafter be created by the Council;
- (e) To attend all meetings of the Council, with the right to take part in the discussions as an ex-officio member of the city council without voting rights, but having no vote; ~~but t~~The Council may at its discretion exclude the City Manager from meetings at which the City Manager's removal is considered;
- (f) To recommend to the Council, for adoption, such measures as may be deemed necessary for the welfare of the people and the efficient administration of the City's affairs;
- (g) To keep the Council fully advised as to the financial condition and needs of the City, and to prepare and ~~to~~ submit ~~to the Council~~ the annual budget to the Council;
- (h) To perform such other duties as may be prescribed by this Charter or required by ordinances or resolutions adopted by the Council; and
- (i) To appoint a designee to serve in their absence when presence is required. The name of the designee shall be forwarded by written notice to the City Council.

**Section 2: That Section 6.03 be hereby amended as follows:**

Section 6.03. DEPARTMENTS OF ADMINISTRATION.

The Council may create ~~such~~ offices, departments, divisions and bureaus for the administration of the City's affairs, as may seem necessary, and from time to time ~~It may~~ alter the powers and organization of the same. It may enact, in the form of an ordinance, an ~~such~~ administrative code for the City as may seem necessary and may amend the same from time to time.

**Section 3: That Section 6.04 be hereby amended as follows:**

Section. 6.04. SUBORDINATE OFFICERS.

There shall be a City Clerk, City Treasurer, City Attorney and ~~such~~ other officers subordinate to the City Manager as the Council may provide for by ordinance ~~(s)~~, resolution or established by law. ~~The City Clerk~~ These officers shall be subject to the direction of the City Manager and shall have such duties in connection with keeping of the public records, the custody and disbursement of the public funds, and general administration of the City's affairs as shall be ordained by the Council. The City Clerk may be designated to act as Secretary of the Council. The Council may combine the duties of various offices as it may see fit.

**Section 4: That Section 6.05 be hereby amended as follows:**

Section 6.05. PURCHASES AND CONTRACTS.

The City Manager shall be the Chief Purchasing Agent of the City. The city manager may designate an individual(s) through the establishment of a policy that may be revised as needed. All purchases on behalf of the city shall be made, and all contracts shall be let by the City Manager, ~~provided that the approval of the Council must be given in advance whenever the amount of such purchase or contract exceeds the amount stated in the State Statutes.~~ All City contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City, as well as the City Manager or documented designee, and shall be executed in the name of the City.

**Section 6: That Section 6.06 be hereby amended as follows:**

Section. 6.06. CONTRACTS, HOW LET.

In all cases of contracts for the purchase, rental, or lease of merchandise, materials or equipment or for any kind of construction work undertaken by the City, which require an expenditure of more than that which is set by the State Statutes, the City Manager shall advertise for bids by at least ten (10) days published notice in the official newspaper or other means authorized by state statute. In accordance with Section 3.06 of the city charter the city council has the authority to forgo this requirement to advertise for bids. When a bid is required, ~~it shall be let to the lowest responsible bidder who is qualified in accordance with Minnesota State Statutes as determined by the Council~~ the City Council has the option of lowest responsible bid or best value bid as described in the Minnesota State Statutes. The Council may,

however, reject any and all bids. Nothing contained in this Section shall prevent the council from contracting for the doing of work with patented processes, or from the purchasing of patented appliances.

**F88: ORDINANCE NO. 1342 ADOPTED MARCH 13, 2017**

**AN ORDINANCE AMENDING FRIDLEY CITY CHARTER CHAPTER 2. CITY COUNCIL ORGANIZATION**

FRIDLEY CITY CHARTER  
CHAPTER 2. CITY COUNCIL ORGANIZATION

**SECTION 1: That Section 2.02 of the City Charter be amended as follows:**

Section 2.02. ELECTIVE OFFICERS.

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters as defined by Section 1.04.1 of this Charter. (Ref. Ord. 1252)
2. The Mayor shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034.
3. One (1) Councilmember shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034)
4. Three (3) Councilmembers shall be elected in each Minnesota gubernatorial election year from three (3) separate Wards of the City to terms of four (4) years each. (Ref. Ord. 1034)
5. The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.
6. The term of Mayor and of each Councilmember shall begin after being sworn in following their election. Their term shall end upon the newly qualified elected official(s) being sworn in. ~~on the first day of January following their election to office and shall end on December 31 of the last year of the term.~~ The incumbent may shall remain in office until a successor has been duly qualified and accepts the office. ~~The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.~~ (Ref. Ord. 1034)
7. The Council shall serve as the canvassing board for city elections. (Ref. Ord. 1252)

**SECTION 2: That Section 2.03 of the City Charter be amended as follows:**

Section 2.03. THE MAYOR.

1. The Mayor shall be the presiding officer of the Council, except that a mayor pro tem shall be ~~chosen from the remaining Councilmembers to serve at the pleasure of the Council~~ the councilmember at large who shall act as Mayor in case of the Mayor's temporary disability or absence from the City. Should neither be available, the mayor pro tem shall be chosen from the remaining Councilmembers to serve at the pleasure of the Council.
2. The Mayor shall vote as a member of the Council. (Ref. Ord. 1034)
3. The Mayor shall exercise all powers and perform all duties conferred and imposed by this Charter, the ordinances of the City and the laws of the State. (Ref. Ord. 1034)
4. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purposes of martial law. (Ref. Ord. 1034)
5. At the direction of the Council 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. (Ref. Ord. 1034)
6. In time of public danger or emergency the Mayor may take command of the police, maintain order and enforce the law. Council consent shall be obtained when practicable. (Ref. Ord. 1034)

**SECTION 3: That Section 2.04 of the Fridley City Charter be hereby amended as follows:**

Section 2.04. THE COUNCILMEMBER AT LARGE

1. The Councilmember at Large shall serve as the mayor pro tem in the temporary absence of the Mayor.
2. If the Mayor's term shall be declared vacant, the Councilmember at Large shall serve as the Mayor as required in Section 2.07.3.

**SECTION 4. That Section 2.04 of the City Charter be amended as follows:**Section 2.0405. WARD COUNCILMEMBERS.

1. The City is divided into three (3) separate election Wards designated as Ward 1, Ward 2, and Ward 3. (Ref. Ord. 1034)
2. A Ward Councilmember must be a resident of such ward. If the Ward Councilmember ceases to be a resident of the ward, then that office shall be declared vacant. However, a change in ward boundaries during the term of office shall not disqualify the Councilmember from completing the term. (Ref. Ord. 1034)
3. The boundaries of the three (3) wards shall be ~~redetermined~~ redistricted from time to time by ordinances duly adopted by the Council, and based on the findings of the Council that the wards so ~~redetermined~~ redistricted are such that the population of any ward shall not deviate by more than three percent (3%) from the average of the three (3) wards. (Ref. Ord. 1034)
4. After each decennial census of the United States, the Council shall ~~redetermine~~ redistrict ward boundaries when appropriate. This ~~redetermination~~ redistricting of ward boundaries shall be accomplished within the deadlines established by Minnesota law. If no deadlines are established by law, then redistricting must be completed no less than one hundred (100) days prior to the legally determined date of the municipal primary of the year ending in the digit two (2). If further redistricting is necessary, as determined by the Council, the adoption of the new boundaries shall be prohibited during the time period from ninety (90) days before a primary election up to and including the day of the general election in the same year. Any prohibitions stated in the Minnesota state statutes pertaining to the adoption of the new boundaries shall also apply. (Ref. Ord. 1034)

**SECTION 5. That Section 2.05 of the City Charter be amended as follows:**Section 2.0506. DISQUALIFICATION FOR APPOINTIVE OFFICE.

No incumbent member of the Council shall be appointed acting or permanent City Manager, nor shall any member hold any other paid municipal office or employment under the City; and no former member shall be appointed to any paid office or employment under the City until one (1) year after leaving office. (Ref. Ord. 1034)

**SECTION 6. That Section 2.06 of the City Charter be amended as follows:**Section 2.0607. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist;
  - in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council;
  - by reason of the death; resignation or removal from office;
  - continuous absence from the City for ~~more than~~ three (3) months;
  - failure to attend any council meetings for three (3) consecutive months;
  - conviction of a felony of any such person whether before or after their qualification; or
  - by ceasing to be a resident of the city or the ward from which elected.

In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist. (Ref. Ord. 1289)

**SECTION 7. That Section 2.07 of the City Charter be amended as follows:**Section 2.0708. SALARIES AND EXPENSES.

1. The Mayor and each Councilmember shall receive reasonable remuneration or salary, the annual amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. When authorized by the Council, its members shall be remunerated for their reasonable expenses incurred in connection with the City's business.
2. The City Manager and all subordinate officers and employees of the City shall receive such reasonable compensation as may be fixed by the Council. (Ref. Ord. 1034)

**F89: ORDINANCE NO. 1349 ADOPTED NOVEMBER 27, 2017****AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER AND MINNESOTA STATUTES SECTION 465.035 REGARDING CERTAIN REAL ESTATE AND AUTHORIZING THE CONVEYANCE THEREOF**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows: Outlots A, C, E and F, Locke Park Pointe, according to the recorded plat thereof, Anoka County, Minnesota (the "Outlots").

SECTION 2. The City Council hereby determines the following:

- A. The Outlots are to be part of a redevelopment project undertaken by the Housing and Redevelopment Authority in and for the City of Fridley, Minnesota (the "Authority").
- B. The Outlots will be replatted to assist with the redevelopment.
- C. After replatting the Authority will reconvey to the City a portion of the Outlots for the existing and proposed expansion of the water pumping facilities and for park and recreation purposes.
- D. The City Council is hereby authorized to transfer the above described real estate to the Authority.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the transfer of the above described real estate.

**F90: ORDINANCE NO. 1352 ADOPTED JANUARY 22, 2018****AN ORDINANCE AMENDING FRIDLEY CITY CHARTER CHAPTER 7. TAXATION AND FINANCES****SECTION 1: THAT SECTION 7.02.3 BE HEREBY AMENDED AS FOLLOWS:**

Section 7.02. POWER OF TAXATION

4. Any other fees created, or increased beyond the limits set forth in subsection 1, shall require voter approval as stipulated in subsection 2.
  - A. For the purposes of this subsection, "fees" includes sales and use taxes, ~~recycling fees~~, gas and electric franchise fees and any other fee that produces a tax burden or direct financial obligation for all property owners and/or residents of Fridley. (Ref Ord 1152, 1244)
  - B. For the purposes of this subsection, the term "fees" does not include: utility charges, recycling fees, Parks and Recreation Department participation fees, charges for photo-copying, sales of municipal liquor store products, or civil and criminal fines and other charges collected in cases of restitution or violation of law or contract. The term "fees" also does not include rental housing fees, building permit fees, liquor license fees, the extension or transfer of cable television service authority to additional service providers for which fees are already being charged, fees for the operation of junk yards, annual license fees for the operation of pawn shops and other regulated business, and any other charge for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City to its citizens or other members of the public which, by law, must be limited to the actual cost of the service being provided. The term "fees" shall not include any special assessments made under Minnesota state law, Statutes Section 429. (Ref Ord 1152, 1244)
  - C. All fees and other charges referenced in section B above shall be designed to cover the cost of the service and anticipated future costs. For the purposes of this subsection, "fee increase" includes a new tax or fee, a monetary increase in an existing tax or fee, a tax or fee rate increase, an expansion in the legal definition of a tax or fee base, and an extension of an expiring tax or fee. (Ref Ord 1152)

**SECTION II: THAT SECTION 7.04. PREPARATION OF ANNUAL BUDGET BE HEREBY AMENDED AS FOLLOWS:**

Section 7.04. PREPARATION OF ANNUAL BUDGET

1. The City Manager shall prepare the estimates for the annual budget. The budget shall include all funds identified by the City Manager as requiring annual budget estimates. The budget which shall include any estimated deficit/surplus for the current year. The budget shall contain sufficient detail to be readily understood and contain explanatory statements as deemed necessary.

The estimates of revenues and expenditures for general and special revenue funds shall be by organizational unit and include comparative figures for the current fiscal year and actual figures for the two preceding fiscal years, submitted by each department to the City Manager. Each Expenditure estimates shall be divided into three (3) major subdivisions as follows:

- A. Salaries and Wages,
- B. Ordinary Expenses,
- C. Capital Outlay.

In funds other than general and special revenue, the proposed expenditures shall be presented in an understandable manner according to the discretion of the City Manager.

2. ~~Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify the request. Ordinary expenses shall be broken down into such detail as the City Manager shall direct. Capital Outlay shall be itemized as to items and amounts. (Ref. Ord. 625)~~

~~In parallel columns shall be added the amounts expended under similar headings for the two (2) preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the City Manager shall prepare a detailed statement of revenues collected for the two (2) preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The estimates shall be submitted to the Council at its last regular monthly meeting in August and shall be published twice in summary in the official Publication prior to November 15. (Ref. Ord. 625, Ord. 946)~~

**SECTION III: THAT SECTION 7.06 ENFORCEMENT OF THE BUDGET BE HEREBY AMENDED AS FOLLOWS:**

Section 7.06. ENFORCEMENT OF THE BUDGET.

It shall be the duty of the City Manager to enforce strictly the provisions of the budget in accordance with the City Council budget resolution and other financial policies of the City. ~~The City Manager shall not approve any order upon the City Treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unencumbered balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances.~~ No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget resolution. Any obligation incurred by any person in the employ of the City an officer or City employee for any purpose not authorized in the budget resolution or for any amount in excess of the amount ~~therein authorized shall~~ appropriated in the budget resolution or in excess of available moneys in any fund of the City may be considered a personal obligation upon the person incurring the expenditure. (Ref. Ord. 857)

**SECTION IV: THAT SECTION 7.07. ALTERATIONS IN THE BUDGET BE HEREBY AMENDED AS FOLLOWS:**

Section 7.07. ALTERATIONS IN THE BUDGET.

After the budget ~~shall have~~ has been duly adopted, the Council shall not have power to increase the amounts therein fixed in the budget resolution, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event, not beyond such actual receipts. ~~The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other.~~ The Council may at any time, by resolution passed by a vote of at least four (4) members of the Council, reduce ~~salaries or~~ the sums appropriated for any purpose by the budget resolution; or by vote of at least four (4) members of the Council authorize the transfer of sums from the

unexpended balances of the budget to other purposes. (Ref. Ord. 946)

**SECTION V. THAT SECTIONS 7.10. TAX SETTLEMENT WITH COUNTY AND 7.11. DISBURSEMENTS HOW MADE BE HEREBY REPEALED IN THEIR ENTIRETY AS FOLLOWS:**

~~Section 7.10. TAX SETTLEMENT WITH COUNTY.~~

~~The City Treasurer shall see to it that all moneys in the county treasury belonging to the City are promptly turned over to the City according to law.~~

~~Section 7.11. DISBURSEMENTS, HOW MADE.~~

~~All disbursements shall be made only upon the order of the City Manager or designee, duly authorized by a resolution or motion of the Council, and every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the Treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The Treasurer shall issue no check upon any City funds except upon such order. In the discretion of the Council the order and check may be a single instrument. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the responsible City officer who vouches for the correctness and reasonableness thereof. The Council may by ordinance make additional regulations for the safekeeping and disbursement of the City's funds. The Council may by resolution or motion provide for the regular payment without specific individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have been previously duly and regularly incurred.~~

**SECTION VI: THAT SECTION 7.12. FUNDS BE KEPT BE HEREBY AMENDED AS FOLLOWS:**

~~Section 7.12 10. FUNDS TO BE KEPT.~~

~~There shall be maintained by the Finance Director a classification of funds which shall provide for a general fund and funds required by law, ordinance, or resolution and meet generally accepted accounting standards and procedures. The Council may, by resolution, make interfund loans where permitted by law except from funds held by the City as a trustee or custodian or in the capacity of an agent. in the City Treasury the following funds:~~

- ~~A. — A general fund for the payment of such expenses of the City as the Council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.~~
- ~~B. — A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds and such investments may be liquidated at any time.~~
- ~~C. — A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.~~
- ~~D. — A special assessment fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or certificates of indebtedness sold by the City in anticipation of assessment collections and the proceeds of interfund loans; (3) amounts from other City funds representing either (a) apportionments of costs against the City at large, (b) benefit assessments against City property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects that are financed through the fund; (2) the redemption of all special assessment fund bonds and certificates of indebtedness, with interest, at or before maturity, and any interfund~~

~~loans; (3) transfers to the general fund of any unencumbered surplus of the fund, in the discretion of the Council; and (4) abatements of assessments and refunds of receipts in error. The Council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments the Council may by a majority vote issue and sell bonds and certificates of indebtedness, pledging the full faith and credit of the City, or pledging only special assessments, in such amounts and maturities as it may determine, regardless of the provisions of Section 7.16 of this Chapter; provided that the aggregate amount of such bonds and certificates outstanding at any time shall not exceed the sum of the following;~~

~~(1) all assessments levied and uncollected; (2) assessable cost of work in progress; and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall upon completion be certified by the City Manager as to total cost, which shall thereupon be apportioned by the Council either as assessments against benefited property or as amounts due from other City funds. Amounts apportioned against other City funds shall be due not later than the dates of adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one (1) year after the due dates.~~

~~E. — A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.~~

~~F. — In addition to the foregoing funds, there may be maintained in the City Treasury, whenever the Council deems it advisable, the following funds:~~

~~(1) A working capital or revolving fund, for financing self-sustaining activities not accounted for through other funds.~~

~~(2) A trust and agency fund, for the care and disbursement of money received and held by the City as trustee or custodian or in the capacity of an agent for individuals or other governmental units.~~

~~(3) Such other funds as may be required by statute or ordinance. In lieu of establishing any of the three (3) foregoing types of funds, Subsections 1, 2, and 3, the Council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The Council shall have full power to make by duly adopted ordinance such interfund loans, except from funds held under Subsection 2 hereof, as it may deem necessary and appropriate from time to time.~~

**SECTION VII: THAT SECTION 7.13 RECEIPTS TO GO TO CITY TREASURER BE HEREBY REPEALED IN ITS ENTIRETY AS FOLLOWS:**

~~Section 7.13. RECEIPTS TO GO TO CITY TREASURER.~~

~~All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid to the City Treasurer by the person authorized to receive the same. All such moneys, and also all moneys received upon tax settlements from the County Treasurer, shall be deposited as soon as possible in a bank or banks approved by the City Council, subject to state laws regulating the designation of depositories for municipal funds.~~

**SECTION VIII: THAT SECTION 7.14 ACCOUNTS AND REPORTS BE HEREBY AMENDED AS FOLLOWS:**

Section 7.14 11. ACCOUNTS AND REPORTS.

The accounts of the city shall be maintained in accordance with generally accepted governmental accounting

standards and procedures. The City Manager shall submit such reports as will be necessary in order to keep the Council fully informed of the financial conditions of the City. Once a year in accordance with Minnesota state law, the City Manager shall submit a complete financial report of the City, for the preceding fiscal year. This report shall contain audited financial statements and disclosures which present the City's financial position. A summary of the report shall be published in the official newspaper in a format consistent with the Minnesota State Auditor requirements. be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter and the ordinances in accord with it. The City Manager shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each and such other information relative to the finances of the City as the Council may require. The Council may at any time and shall annually provide for an audit of the City finances by a certified public accountant or by the department of the State authorized to make examination of the affairs of municipalities. On or before the first day of April in each year the City Manager shall prepare a complete financial statement in form approved by the Council of the City's financial operations for the preceding calendar year, and quarter, which statement may be published in such manner as the Council may direct and a summary thereof shall be published in the official newspaper on or before the third week in April, July, October and January as appropriate. (Ref. Ord. 625, Ord. 857)

**SECTION IX: THAT SECTION 7.15. BONDED DEBT AND DEBT LIMIT BE HEREBY AMENDED AS FOLLOWS:**

Section 7.15 12. BONDED DEBT AND DEBT LIMIT INDEBTEDNESS.

1. In addition to all the powers in respect to borrowing and the issuance of bonds and other obligations for the payment of money specifically or impliedly granted by this Charter, and any amendments thereto, the City shall have all the powers in reference to these subject matters granted to cities of its same class by ~~the laws of the State of Minnesota~~ state law, in force from time to time. ~~The City shall have the power to issue and sell its bonds to the State of Minnesota and to comply with all provisions of law relative to loans to municipalities from the permanent State funds. The City shall also have such powers as are necessary to obtain loans or funds from the Government of the United States and any of its instrumentalities or from the State of Minnesota or any of its instrumentalities, and to comply with all provisions of law relative to obtaining such loans or funds.~~
2. The Council by a vote of at least four (4) of its members may authorize the issuance of the bonds to provide funds for any public purpose not prohibited by law; ~~or~~ The City Council may in at its discretion, by a majority vote of all of its members, submit to the electorate propositions for the issuance of such bonds. When such a proposition is submitted to the electorate, no bonds or other term obligations of the City may be issued except pursuant to a favorable vote of a majority of those voting on the proposition of their issuance. ~~By the proceedings for the issuance of any bonds, by the terms of the bonds and by agreements with the purchasers of bonds, they may be made special in character and limited in their payment to earnings or to part earnings and part tax funds. To the extent that they are thus payable out of earnings or other than tax funds, such bonds shall not be paid out of taxes. The total bonded debt of the City at the time of the issuance of any bonds shall not exceed ten percent (10%) of the last assessed valuation of the taxable property therein, or the limit authorized by State law for cities of the same class, whichever is the greater, but in computing the total bonded debt, certificates of indebtedness, bonds, warrants or other obligations issued before or after adoption of this Charter shall not be included or counted if (1) held in a sinking fund maintained by the City; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by the City, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches, storm and sanitary sewers, or for the acquisition of lands for streets, parks, or other public improvements or for the improvement thereof, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such improvements; or (3) issued for the creation of maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued. (Ref. Ord. 857)~~

**SECTION X: THAT SECTION 7.16. FORM AND REPAYMENT OF BONDS BE HEREBY REPEALED IN ITS ENTIRETY AS FOLLOWS:**

~~Section 7.16. FORM AND REPAYMENT OF BONDS.~~

~~No bonds shall be issued to run for longer than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the resolution authorizing such bonds, and in no case shall bonds be issued to run for more than thirty (30) years. The purposes for which bonds are authorized shall be set forth in the resolution authorizing them and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the City Manager to include in the budget estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the Bonds which will be still outstanding. It shall be the duty of the Council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget which it passes. (Ref. Ord. 857)~~

**SECTION XI: THAT SECTION 7.17. DEBT AND TAX ANTICIPATION CERTIFICATES BE HEREBY AMENDED AS FOLLOWS:**

~~Section 7.17 13. DEBT AND TAX ANTICIPATION CERTIFICATES.~~

In a manner consistent with Minnesota state law, at any time after January 1, following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of the certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety percent (90%) of the total current taxes for the fund uncollected at the time of the issuance. Such certificates shall be issued on such terms and conditions as the Council may determine but they shall become due and payable not later than the 1<sup>st</sup> day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

- ~~1. 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, as provided for in the budget, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Council may authorize the sale by the City Treasurer of emergency debt certificates to run not to exceed eighteen (18) months and to bear interest at not more than allowable by State Statutes. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by at least four (4) of the members of the Council; the ordinance may, if deemed necessary, be passed as an emergency ordinance. (Ref. Ord. 592)~~
- ~~2. For the purpose of providing necessary moneys to meet authorized expenditures, the Council may issue certificates of indebtedness in any year prior to the receipt of taxes payable in such year, on such terms and conditions as it may determine, bearing interest at a rate not more than allowable by State Statutes; provided that such certificates outstanding at any one time shall not exceed forty percent (40%) of the tax levy payable in the current year belonging to the fund for the benefit of which the borrowing is authorized. (Ref. Ord. 592)~~

**SECTION XII: THAT SECTION 7.18. BONDS OUTSIDE THE DEBT LIMIT BE HEREBY REPEALED IN ITS ENTIRETY AS FOLLOWS:**

~~Section 7.18. BONDS OUTSIDE THE DEBT LIMIT.~~

~~Without limit as to amount, the Council may issue bonds for legal purposes outside of the debt limit: (a) for the creation and maintenance of a permanent improvement revolving fund, (b) for extending, enlarging, or improving water supply system, lighting and heat and power plants, or either, or other revenue producing public utilities of whatever nature, owned and operated by the City, or of acquiring property needed in connection therewith, (c) for public improvements payable from special assessments. The Council may also purchase equipment for street department, water or sewer utility, or fire department use on conditional sale contracts, provided that the installment payments do not extend beyond the estimated useful life of the equipment so purchased.~~

**SECTION XIII: THAT SECTION 7.14. EMERGENCY DEBT CERTIFICATES BE HEREBY REATED AS FOLLOWS:**

**Section 7.14. 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, as provided for in the budget, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Council may by resolution, issue and sell certificates. 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 authorization of an issue of such emergency debt certificates shall take the form of a resolution approved by at least four (4) of the members of the council. It may be passed as an emergency resolution and would be exempt from voter approval.

**F91: ORDINANCE NO. 1365 ADOPTED DECEMBER 10, 2018**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER AND MINNESOTA STATUTES SECTION 465.035 REGARDING CERTAIN REAL ESTATE AND AUTHORIZING THE CONVEYANCE THEREOF**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows:  
Lots 6, 8, 9, 10, 11, 12 and 13, Block 1, Fridley Plaza Center, according to the recorded plat thereof, Anoka County, Minnesota (the "Lots").

SECTION 2. The City Council hereby determines the following:  
A. The City no longer has any reason to continue to own the Lots, and the City Council is hereby authorized to transfer the Lots to the Housing and Redevelopment Authority in and for the City of Fridley, Minnesota (the "Authority") for disposal.  
B. The Lots are to be part of a redevelopment project (the "Project") undertaken by the Authority.  
C. After redevelopment of the Project, the Authority will transfer any sales proceeds, less its expenses, to the City.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the transfer of the above described real estate.

**F92: ORDINANCE NO. 1372 ADOPTED AUGUST 12, 2019**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER AND MINNESOTA STATUTES SECTION 465.035 REGARDING CERTAIN REAL ESTATE AND AUTHORIZING THE CONVEYANCE THEREOF**

SECTION 1. The City of Fridley is the fee owner of the tract of land within the City of Fridley, Anoka County, State of Minnesota, described as follows:  
  
Outlots B and D, Locke Park Pointe, according to the recorded plat thereof, Anoka County, Minnesota (the "Lots").

SECTION 2. The City Council hereby determines the following:

- A. The City no longer has any reason to continue to own the Lots, and the City Council is hereby authorized to transfer the Lots to the Housing and Redevelopment Authority in and for the City of Fridley, Minnesota (the “Authority”) for disposal.
- B. The Lots are part of a redevelopment project (the “Project”) undertaken by the Authority.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to effect the transfer of the above described real estate.

**F93: ORDINANCE 1367 ADOPTED NOVEMBER 12, 2019**

**AN ORDINANCE UNDER SECTION 12.06 OF THE CITY CHARTER AND MINNESOTA STATUTES SECTION 465.035 REGARDING CERTAIN REAL ESTATE AND AUTHORIZING THE CONVEYANCE THEREOF**

SECTION 1. The City of Fridley is the fee owner of the several tracts of land previously platted as Fridley Plaza Center and the historical plats underlying same, all within the City of Fridley, Anoka County, State of Minnesota.

Previously, the City, by Quit Claim Deed dated February 5, 2019, recorded February 8, 2019, transferred ownership of Lots 6, 8, 9, 10, 11, 12 and 13, Block 1, Fridley Plaza Center, according to the recorded plat thereof, Anoka County, Minnesota, to the HRA (“Prior Conveyance”).

Subsequent title company searches have now revealed historical City ownership interest in additional lots and blocks underlying the property previously platted as Fridley Plaza Center, now platted as Fridley Senior Addition, which ownership interest was not previously known to the HRA at the time of the Prior Conveyance.

In order to transfer fee ownership from the City to the HRA of any and all interests held by the City in the property now platted as Fridley Senior Addition, so as to prepare same for redevelopment, the City wishes to transfer via Quit Claim Deed any ownership interest in holds in the property now platted as Lots 1, 2 and 3, Block 1, Fridley Senior Addition, according to the recorded plat thereof, Anoka County, Minnesota (the “Lots”) to the HRA.

SECTION 2. The City Council hereby determines the following:

- A. The City no longer has any reason to continue to own the Lots, and the City Council is hereby authorized to transfer the Lots to the Housing and Redevelopment Authority in and for the City of Fridley, Minnesota (the “Authority”) for disposal.
- B. The Lots are to be part of a redevelopment project (the “Project”) undertaken by the Authority.
- C. After redevelopment of the Project, the Authority will transfer any sales proceeds, less its expenses, to the City.

SECTION 3. The Mayor and City Clerk are hereby authorized to sign the necessary contracts and deeds to

effect the transfer of the above described real estate.