

CITY OF  
WORTHINGTON  
CHARTER

01-02-2013

**CITY OF WORTHINGTON  
AMENDED CHARTER**

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# **CITY OF WORTHINGTON**

## **AMENDED CHARTER**

The Charter of the City of Worthington as certified by the Board of Freeholders to the Honorable William Madison, president of the Village of Worthington, on January 4, 1909, and as adopted in said year 1909 and as heretofore amended by amendments numbered 1 to 14, inclusive, is hereby amended and revised to read as follows:

### **CHAPTER I.**

#### **NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS**

##### Section 1.01, Name and Boundaries

The City of Worthington in the County of Nobles and State of Minnesota shall continue to be a municipal corporation under the name “City of Worthington” and shall continue to have the boundaries as fixed by law at the time of the adoption of this amendment or as may be hereafter established.

##### Section 1.02, Powers of the City

The city shall have perpetual succession, the right to adopt and alter a common seal, the right to take, hold, purchase, lease and convey any and all property or interests in property, real, personal and mixed, within or without its boundaries, as the purposes of the corporation may require or the transaction or exigencies of its business may render convenient. The city shall also have all powers, functions, rights, privileges and immunities possessed by a municipal corporation at a common law or given or granted by the Constitution and Laws of the State of Minnesota to cities of a class which includes the City of Worthington but subject to the restrictions contained in the charter.

##### Section 1.03, Construction of this Charter

The provision of this charter shall be construed liberally in favor of the city to the end that it shall have all powers, necessary or convenient for the protection or improvement of the public welfare or for the efficient conduct of its municipal affairs, which may be granted to any municipal affairs, which may be granted to any municipal corporation under the laws of the state, without the necessity of asking the legislature for special grants of power; as contemplated by the municipal home rule provisions of the Constitution and laws of the State of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers to those specifically mentioned or necessarily implied. It is intended that the city shall have and may exercise all powers which it would have if they were specifically mentioned. Unless expressly granted to some other officer or body, all powers shall inure to the City Council.

Section 1.04, Ward Boundaries

The city shall be divided into two wards of substantially equal population. The wards as heretofore designated shall continue until changed by the City Council. The City Council may from time to time by ordinance adopted by two-thirds of its membership redivide the city into wards as may be required in the public interest.

Section 1.05, Meanings

As used in this City Charter, all references to gender shall include both the male and the female, and the references to the singular shall include the plural and the plural shall include the singular as well.

Source: Ordinance No. 695  
Effective Date: 6-16-86

## CHAPTER II.

### OFFICERS AND ELECTION

#### Section 2.01, Elective Officers

The elective officers of the city shall consist of a mayor, two members of the City Council from each ward, and one member of the City Council from the city at large, each of whom shall be known as Council Member.

Source: Ordinance No. 1054  
Effective Date: 9-9-12

#### Section 2.02, Mayor Pro Tem

At the annual meeting the City Council shall, from its number and by ballot, elect a Mayor Pro Tem who shall preside over the meetings of the City Council during the absence of the Mayor from the City, or upon the inability of the Mayor, from any cause, to discharge the duties of the office. The Mayor Pro Tem shall exercise all the powers and discharge all the duties of the Mayor, and acts performed by him, when acting as Mayor under this section, shall have the same force and validity as if performed by the Mayor. In the event that both the Mayor and the Mayor Pro Tem shall be absent from any Council meeting, the senior member of the Council in terms of consecutive years of service shall be empowered to conduct Council meetings, if a quorum be present, but shall not have the authority to sign any legal documents or to otherwise exercise any of the powers of the Mayor or the Mayor Pro Tem. The Mayor Pro Tem or the senior member of the Council, while conducting a meeting pursuant to this section, shall retain the right to vote on all issues.

Source: Ordinance No. 898  
Effective Date: 02-26-01

#### Section 2.03, Employees and Appointive Officers

Effective January 1 of each year , the City Council shall appoint a clerk for a one-year term, however, the clerk shall serve until his/her successor has been appointed and qualified. The City Council may appoint/hire such other employees as the Council shall deem necessary. Such appointments and/or hirings, including that of the clerk, shall be by a majority vote of the City Council, the City Council may delegate the day-to-day management of municipal affairs to professional staff.

Source: Ordinance No. 899  
Effective Date: 02-26-01

#### Section 2.04, Term of Office



The term of office of the mayor and all the aldermen shall be for four years. The elective officers in office at the date of adoption of this amendment shall continue in office until the end of their respective terms when their successors shall be elected. The City Council shall provide by resolution for an orderly election procedure to establish such four-year terms.

Source: Ordinance No. 838  
Effective Date: 11-11-97

#### Section 2.05, Elections

Regular city elections shall be held on the first Tuesday after the first Monday in November of each even numbered year. The City Council may by resolution order special elections, fix the time of holding the same and provide all means for holding each election. Notice of election shall be given as provided by law. The City Council shall meet within three days after any city election and canvass the returns and declare the result thereof. Its determination as to the result of any election shall be final and conclusive unless an appeal shall be taken therefrom within ten days after such canvass and determination.

The terms of all incumbents who at the time of adoption of this ordinance hold offices filled by local election and whose terms end at a different date are extended to the first business day in January of the year first following the date the term would otherwise expire.

Source: Ordinance No. 839  
Effective Date: 11-11-97

#### Section 2.06, Election Laws and Administration

So far as applicable, unless otherwise clearly provided by this charter, general laws of the state relating to primaries, elections and related matters shall apply to and govern primaries and elections under this charter. The City Council shall make such supplementary and interpretive regulations, not inconsistent with this charter, or general law, as may be deemed necessary.

Section 2.07, Vacancy in Office

A vacancy in the City Council shall exist in the event of the failure of any person elected thereto to qualify on or before the date of the second regular meeting following his election or by reason of the death of the mayor or of any Council Member, or his resignation, removal from office, removal from the state, continuous criminal offense which at the time of its commission constituted a felony under the laws of the State of Minnesota, whether before or after qualification or by reason of his failure without good cause to perform the duties of the office for a period of three months. The City Council shall fill said vacancy by appointment, but such appointment shall continue only until the next regular city election at which time candidates shall stand for election to fill the unexpired term, if any, created by the vacancy. The resolution declaring the vacancy shall be subject to review in the courts as to any question of law or fact in an action brought by the aldermen or former aldermen or by any two registered voters acting jointly. Any appointive office may be removed for the reasons above set forth, but in such event the action of the City Council declaring the vacancy shall be final and shall not be subject to review in the courts.

Source: Ordinance No. 662  
Effective Date: 7-12-82

Section 2.08, Contracts Prohibited

Section 2.08 is hereby repealed in its entirety and shall have no further force of effect.

Source: Ordinance No. 742  
Effective Date: 1-23-90

Section 2.09, Reports

Every appointive officer and all boards shall make reports to the City Council at least once each year in such form and manner as the City Council shall require.

Section 2.10, Delivery of Books and Records

At the expiration of his term of office, each officer and employee shall turn over to the city or to the successor all books, papers, files, records and other property or things belonging to the city which may be in his possession or under his control.

## CHAPTER III.

### OFFICERS POWERS AND DUTIES

#### Section 3.01, Powers and Duties of the Mayor

The Mayor shall be a member of the City Council and shall preside at all City Council meetings but shall have no vote except in case of a tie; and he shall not have the veto power. He shall be recognized as head of the City for all ceremonial purposes and for the purpose of martial law. He shall be the chief executive officer of the City and shall sign all resolutions, ordinances, bonds and contracts on behalf of the City except as otherwise provided herein.

Source: Ordinance No. 900  
Effective Date: 02-26-01

#### Section 3.02, Powers and Duties of the City Clerk

The city clerk shall be responsible for keeping the corporate seal and all of the books and records and other property of the city except as otherwise provided herein. He shall attend all meetings of the City Council and of all committees thereof and keep records of the proceedings. He shall draw all warrants on the city treasury and shall keep an accurate account thereof. He shall attest the signature of the mayor on all ordinances, resolutions, bonds and contracts and affix the seal of the city thereto. He shall keep books of account in such forms as may be required by the City Council and which shall show the financial condition of the city and of all departments thereof and he shall make such annual, monthly and other reports as the City Council may require. He shall upon request by any person and payment of such fee therefor as may be fixed by the City Council, furnish certified copies of the proceedings and records of the city which are in his possession or under his control, which copies may be offered in evidence in any court with the same effect as if the originals were produced.

#### Section 3.03, Powers and Duties of the City Treasurer

Chapter Three, Section 3.03, is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 901  
Effective Date: 02-26-01

Section 3.04, Powers and Duties of the City Attorney

The city attorney shall be an attorney at law, who, at the time of his appointment, shall have been admitted to practice and shall have practiced law in the State of Minnesota for at least two years. He shall be the chief legal advisor of the city and of all departments, officer and boards thereof and shall represent the city in suits and other legal proceedings and in prosecution for violation of any ordinance or other local law.

Section 3.05, Powers and Duties of the City Assessor

Section 3.05 is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 841  
Effective Date: 11-11-97

Section 3.06, Board of Equalization

The City Council shall appoint a board of at least three from its members to constitute a Board of Equalization to revise, amend and equalize the assessment of property as returned by the city assessor. The board shall meet in accordance with the provisions of Minnesota Statutes and may continue to meet from time to time until its work is completed. It shall be vested with all powers vested in county boards of equalization under the laws of the state so far as such laws may be applicable but shall not be restricted by any limitation respecting reduction of aggregate sum of real or personal property as returned by the city assessor. Any person aggrieved by the assessment of his property may appear before the board and present his grievances. When the assessment records have been revised and put in final form by the board they shall be confirmed by resolution of the City Council and transmitted to the county auditor together with a certified copy of such resolution. The City Council shall fix the salary of the city assessor and of each member of the board.

Section 3.07, Powers and Duties of the City Engineer

Chapter Three, Section 3.07, is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 902  
Effective Date: 02-26-01

Section 3.08, Powers and Duties of the Street Commissioner

Section 3.08 is hereby rescinded in its entirety and shall have no further force or effect.

Source: Ordinance No. 663

Effective Date: 7-12-82

Section 3.09, Powers and Duties of the Park Commissioners

Chapter Three, Section 3.09, of the Worthington City Charter is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 903

Effective Date: 02-26-01

Section 3.10, Powers and Duties of the City Planning Commission

The City Council shall appoint a city planning commission to consist of six resident electors of the city, and one member of the City Council. The city engineer or his designate shall serve on the commission as a non-voting ex-officio member. The commission may require the city attorney or his designate to serve on the commission as a non-voting ex-officio member. The commission shall cause a comprehensive plan to be prepared covering the future physical development and improvement of the city. It shall recommend to the City Council such regulations covering zoning, the use of land and structures the height and setback of buildings and other structures as may be required and such other regulations as it may deem conducive to the public health, welfare, safety, and convenience, and shall perform such other duties as provided by statute. No plat of any property within the city shall be filed with the county recorder without the certificate thereon of the chairman of the commission. The commission shall be responsible for seeing that records of all proceedings are kept.

Source: Ordinance No. 664

Effective Date: 7-12-82

Section 3.11, Boards, Committees and/or Commissions

The City Council shall have power by ordinance or resolution to create boards, committees, and/or commissions to carry out the administration of functions or departments of the City. Such ordinances or resolutions shall fix the number and terms of office of the members of such board, committee, or commission; prescribe the duties of the members; and determine the compensation, if any, to be paid to the members.

Source: Ordinance No. 904

Effective Date: 02-26-01

Section 3.12, Surety Bonds

The city clerk, city treasurer and any other officer of the city responsible for the receipt and accounting for or expenditures of money shall give bond to the city, executed by a surety company authorized to do business in the state, conditioned on the faithful performance of the duties of such office and in such penal sum as may be prescribed. The cost of all such bonds shall be paid by the city.

## CHAPTER IV

### COUNCIL POWERS AND DUTIES

#### Section 4.01 Membership of the City Council

The legislative power of the city shall be vested in the City Council. No person shall be mayor or an Council Member who has not been a resident of the city for at least thirty days next proceeding his election. Except as in this charter otherwise provided, no Council Member or the mayor shall hold any other office or employment under the city.

Source: Ordinance No. 626  
Effective Date: 11-23-80

#### Section 4.02, Meeting of the City Council

The annual meeting of the City Council shall be held on the second Monday in January each year. The City Council shall prescribe the time and place of regular meetings and for calling special meetings. No business shall be transacted at a special meeting unless the same shall have been specified in the call thereof and notice given as required for such special meeting.

Source: Ordinance No. 842  
Effective Date: 11-11-97

#### Section 4.03, Quorum

Four members of the City Council shall constitute a quorum but a lesser number may adjourn from time to time and may compel the attendance of absent members under such penalties as they may prescribe. For purposes of determining whether or not a quorum exists, the Mayor shall not be counted. For purposes of determining whether or not a quorum exists, the Mayor Pro Tem and the senior member of the Council shall be counted.

Source: Ordinance No. 905  
Effective Date: 02-26-01

#### Section 4.04, Procedure of the City Council

The City Council shall by ordinance fix and amend rules of procedure. The “ayes” and “nays” shall be taken upon any vote and entered into the record upon the request of any councilman.

#### Section 4.05, Ordinances and Resolutions

Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance shall be “The City Council of the City of Worthington Do Ordain.” Each ordinance shall be limited to one subject which shall be expressed in its title. Every ordinance shall have at least three readings. The second reading shall not be less than ten days after the first reading, and the third reading shall be not less than ten days after the second reading. The second and third readings of each ordinance shall be at regular Council meetings. Within one week after the first reading of any ordinance, the Council shall cause notice to be published in the official newspaper that said ordinance is pending before the Council. After the second reading of any ordinance and at least one week before the third reading, the Council shall cause a notice to be published in the official newspaper stating the date and hour of the meeting at which said third reading shall be had on said ordinance. Said two notices shall set out the title and a descriptive statement of the ordinance. It shall require the affirmative vote of at least three members of the City Council to enact an ordinance, which vote shall be taken by “ayes” and “nays” and entered upon the record. Every ordinance before it takes effect shall be published in the official newspaper.

Source: Ordinance No. 715  
Effective Date: 9-14-87

#### Section 4.06, Record of Ordinances and Resolutions

All ordinances and resolutions with proof of publication shall be filed with the city clerk and recorded at length in a suitable book and a certified copy of any such ordinance or resolution so recorded shall be prima facie evidence of the reading, adoption and publication thereof.

#### Section 4.07, Official Newspaper

The City Council shall at its first regular meeting each year designate an official local newspaper for the publication of all matters required by law to be published.

#### Section 4.08, Codification of Ordinances

The City Council may from time to time provide for the codification of all general ordinances of the city into a single ordinance code. Such code may be in a book form and may be enacted without other publication. Such ordinance code shall be received in evidence in all courts without other evidence of its passage and publication.



#### Section 4.09, Sale of Public Utility

No ordinance or resolution authorizing the lease or sale of any public utility or duly dedicated park owned by the city shall be valid until the same shall have been submitted to the electors of the city and approved by a majority of those voting thereon.

#### Section 4.10, Specific Powers

The City Council shall have full power and authority to make, ordain and establish, alter, modify, amend or repeal ordinances for the enhancement of the general welfare, for the good government and good order of the city, for the protection of the public health, comfort and safety and for the suppression of vice and intemperance and the prevention of crime.

#### Section 4.11, Power to Impose Penalties

The City Council shall have power to classify the violation of any ordinance as that of a petty misdemeanor or a misdemeanor. The punishment for the violation of a petty misdemeanor or a misdemeanor shall be up to the same level of fine and/or incarceration as allowed by state law for such violations which may be changed from time to time by the State legislature. The City Council may also have the power to provide for the abatement or removal of nuisances.

Source: Ordinance No. 906

Effective Date: 02-26-01

#### Section 4.12, Municipal Liquor Store

The City Council shall by ordinance provide for the management and operation of the municipal liquor store. Such ordinance may delegate the management to a committee of the City Council or to a separate commission appointed by the City Council. The City Council shall have the power to fix the number and terms of the commission, and their powers and duties but the same shall always be administrated subject to the general supervision and control of the City Council.

#### Section 4.13, Control of Streets, Public Grounds and Public Water

The City Council shall have the care, supervision and control of all public streets and public grounds within the city, including the entire area of Lake Okabena and shall have the power to dredge the same, maintain and improve the shores thereof, maintain the water level and regulate the use thereof.

#### Section 4.14, Vacation of Streets

Upon the petition of owners of more than fifty percent of the property fronting upon any portion of any street or public way together with a petition of the owners of more than fifty percent of the property within a distance of three hundred feet in each direction from the ends of such portion so proposed to be vacated, the City Council may by ordinance vacate the same. Such ordinance shall receive the readings, notices, and publications as provided for in Section 4.05 of this Charter. Such ordinance shall not become effective until a certified copy thereof shall have been filed for record with the register of deeds.

#### Section 4.15, Retirement, Sick and Disability Benefits

The City Council is authorized to participate in any plans or programs to provide for retirement, sick, disability, life and other benefits for the employees of the city, and to use any monies of the city not pledged for other purposes, whether raised by tax levies or contributions from any other sources, for the purpose of contributing to the cost of maintaining any such plans or programs.

Source: Ordinance No. 697  
Effective Date: 6-16-86

#### Section 4.16, Annual Audit

The City Council shall cause an annual audit to be made of the books, records, accounts and affairs of the city at the close of each fiscal year. Such audit shall cover, at least, all cash received and disbursed and the transactions relating thereto. Such audit shall be conducted under the supervision of either a certified public accountant or the public examiner of the State of Minnesota.

#### Section 4.17, Historical Partnerships

The City Council may authorize expenditures for one or more designated City officials to serve as official City of Worthington representatives to Crailsheim, Germany, Cuero, Texas, and such other destinations that have a historical partnership/significance to the City as the City Council may from time to time determine by resolution. The City Council may also authorize such minor expenses for the enhancement and support of the recognized historical partnerships.

Source Ordinance No. 1055  
Effective Date: 9-9-12

## CHAPTER V.

### FINANCE DEPARTMENT

#### Section 5.01, Fiscal Year

The fiscal year of the city shall be the calendar year.

#### Section 5.02, Taxation

Subject to the constitution and laws of the state, the City Council shall have the power to provide by ordinance for a system of local taxation and to change it from time to time. Taxes may be imposed on all subjects and objects which the city could lawfully tax if such tax were specifically provided in this charter.

#### Section 5.03, Debt Limit

No debt of the city shall be created or any new bond or other general obligation issued which will cause the debt of the city to exceed the limitations prescribed by the provisions of Minnesota Statutes.

#### Section 5.04, Issuance of Bonds

Bonds of the city may be authorized by resolution adopted by majority vote of the City Council for any authorized corporate purpose. It shall not be necessary to obtain the approval of the voters in order to issue bonds for the purpose of improving, repairing or enlarging any public utility owned and operated by the city, for creating and maintaining a permanent improvement revolving fund or for financing any other improvement to be paid for primarily by special assessments or for funding or refunding purposes. If the purpose for which bonds are to be issued is one for which an election is required, the City Council may by resolution adopted by majority vote, provide for the submission of the question to the electors. The provisions of Minnesota Statutes shall apply to bonds issued hereunder.

#### Section 5.05, Borrowing in Anticipation of Taxes

The City Council may borrow money for the purpose of anticipating collection of general ad valorem taxes theretofore levied for city purposes by the issuance of temporary notes or certificates of indebtedness but the aggregate amount thereof shall at no time exceed fifty percent of the current taxes after deducting therefrom the amount thereof theretofore received from the county treasurer. The City Council shall, by resolution, fix the amount, date, maturity, form, denomination and other details of such notes or certificates of indebtedness and provide the method of sale thereof. The full faith and credit of the city shall at all times be pledged to the payment thereof but they shall not be included in computing the city's net debt.

#### Section 5.06, Petty Cash Fund

The City Council may provide by ordinance for a petty cash fund under the direction of the city clerk. The city clerk shall be authorized to pay out of such fund miscellaneous small items of expense, including postage, freight, wages of casual labor and other similar items. He shall make a detailed account of all such expenditures. The City Council shall appropriate from time to time to the petty cash fund a sufficient amount to maintain such fund.

## CHAPTER VI.

### WATER AND LIGHT DEPARTMENT

#### Section 6.01, Power to Operate Public Utilities

The city may own and operate public utilities, and with respect thereto: plan, develop, purchase and lease facilities and improvements; produce, purchase, transmit, transport and distribute water, gas, electricity, telephone, telecommunications, district heating, transportation and other goods and services which may constitute a public utility; and conduct utility operations and related services sufficient to supply the city's needs for utility services and products and the needs of others within or without the corporate limits of the city. The city may construct all facilities reasonably necessary to such purpose, maintain, enlarge, extend, repair and operate any such public utility or utility services and may acquire any existing utility properties needed for such purposes. In lieu of, or in addition to providing for the local production of utility products and services, the city may purchase or otherwise acquire such a product or service and resell it or cause its transmission, distribution or transportation from a wholesaler to others. The city may initiate a new public utility service by acquiring the facilities of another public utility or by the construction or other acquisition of its own facilities. However, the city may not initiate a public utility service unless the proposition to initiate has been approved by the City Council, but no such action shall be required for electric and water service which has heretofore been provided by city. The favorable action of the City Council and the initiation of the new public utility service shall not be subject to approval by the voters of the city unless explicitly required of the city by the statutes of the State of Minnesota.

Source: Ordinance No. 864  
Effective Date: 9-22-98

#### Section 6.02, Control and Management of Public Utilities

The control and management of the operations of the water and light utilities shall be committed to a Water and Light Commission. The City Council may, by resolution, impose upon the Commission the control and management of any other utility owned and operated by the City, including the sewer system. The Water and Light Commission may delegate the day-to-day management of the affairs under its jurisdiction to professional staff.

Source: Ordinance No. 907  
Effective Date: 02-26-01

Section 6.03, Appointment of Water and Light Commission

The Water and Light Commission shall consist of five members appointed by the City Council for a three-year term commencing on April 1 of the year in which appointed, except that the terms of the first members appointed hereunder shall expire in one, two and three years respectively. The City Council shall have the power to fill all vacancies. The members of the Commission shall receive such compensation as the City Council shall provide and shall be reimbursed for actual expenses incurred while absent from the City on business of the Commission. The Commission shall elect a president from its membership. The Commission shall be responsible for seeing that records of all proceedings are kept.

Source: Ordinance No. 908  
Effective Date: 02-26-01

Section 6.04, Powers and Duties

The Water and Light Commission shall have the power to establish rates, fees, rules, regulations and policies for the operation and management of municipal utilities under their control subject to such ordinances as the City Council may adopt. The Commission shall purchase all materials and supplies and employ all help necessary for the operation of any utility committed to its care, including necessary extension, improvements and additions thereto and may provide for payment therefor out of the earnings provided that all contracts for materials, supplies and labor shall be let in conformance with the requirements of the Uniform Municipal Contracting Law, Minnesota Statutes §471.345 and any amendments thereto. The commission shall also annually prepare a budget forecast for the ensuing years and furnish a copy to the City Council for their review and approval.

Source: Ordinance No. 886  
Effective Date: 2-8-00

Section 6.05, Utility Funds

All funds of all utilities committed to the Water and Light Commission shall be held in the city treasury separate and apart from all other city funds. Expenditures may be made therefrom for public purposes when authorized and approved by the Water and Light Commission upon warrants signed by the City Clerk. A public purposes shall specifically include expenditures for economic development activities up to the limit and to the same entities as may be appropriated from the general revenue fund under Minnesota Statute §469.191. Any amount in any such utility fund in excess of the amount required for its purpose may be transferred to the general fund of the city upon joint resolution of the commission and the City Council.

Source: Ordinance No. 887  
Effective Date: 2-8-00

Section 6.06, Revenue Bonds

In order to provide for necessary improvements and extensions to any utility under its control and management, the commission may issue revenue bonds payable solely from the anticipated net income of said utility, provided that no such bonds shall be issued in an amount exceeding ten thousand dollars without the approval by resolution of the City Council.

## **CHAPTER VII.**

### **FIRE DEPARTMENT**

#### Section 7.01, Fire Department

The City Council shall prescribe by ordinance the powers and duties of the fire department and may make such rules and regulations as may be necessary for the efficient conduct of the department. The City Council may employ a chief of the fire department and such other employees as may be required and may pay volunteer members compensation for active service in fire fighting.



**CHAPTER VIII.**

**HEALTH DEPARTMENT**

Section 8.01, Board of Health

Section 8.01 is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 667

Effective Date: 7-12-82

**CHAPTER IX.**

**POLICE DEPARTMENT**

Section 9.01, Police Civil Service Commission

There shall be a police civil service commission with powers and duties as provided in Minnesota Statutes, and the City Council shall accept the provisions of said statutes. The salaries of police officers shall be fixed by the City Council.

Section 9.02, Special Police

Section 9.02 is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 843

Effective Date: 11-11-97

## CHAPTER X.

### CONTRACTS

#### Section 10.01, Contracts Required

Except as provided in Section 6.04 all contracts for commodities or services to be furnished to or performed for the city shall be let in conformance with the requirements of the Uniform Municipal Contracting Law of the Minnesota Statutes, and after advertisement for bids as in this chapter provided. Commodities and services shall include all materials and supplies and all work and labor, excepting professional services, insurance policies, surety bonds and merchandise for resale.

Source: Ordinance No. 557  
Effective Date: 7-11-80

#### Section 10.02, Estimates, Plans and Specifications

Section 10.02 is hereby repealed and shall have no further force and effect.

Source: Ordinance No. 668  
Effective Date: 7-12-82

#### Section 10.03, Notice of Bids

The notice of bids shall be published in the official newspaper, and, if so ordered by the City Council, in such other papers for such length of time as the City Council may require. Each bidder shall be required to furnish a bid guarantee or surety in such amount as the City Council may direct.

Source: Ordinance No. 557  
Effective Date: 7-11-80

#### Section 10.04, Letting Contracts

The City Council shall meet at the time and place stated in the notice to receive and consider bids and be adjourned from time to time, or they may appoint a committee with at least one elected official or one appointed official to open and tabulate bids. No bid shall be deemed finally accepted until a written contract has been entered into conforming to the bid and the contractor's bond given and approved. The contract shall be let by the City Council to the lowest responsible bidder. After entering into a contract and when necessary and for the best interest of the city, contracts may be altered if the amount of such changes will not exceed ten (10) percent of the contract price, and if agreed upon by the parties thereto.

Source: Ordinance No. 844  
Effective Date: 11-11-97

Section 10.05, Contracts for Public Utilities

All of the provisions of this chapter shall apply to contracts relating to hospitals and public utilities under the control of the Water and Light Commission, provided, however, that emergency contracts shall not be entered into except by vote of the City Council.

Section 10.06, Emergency Contracts

In case of any emergency, the City Council may, by resolution, authorize the purchase of any materials, supplies or service, without prior notice for bids. The occasion of the emergency shall be fully stated in the resolution. In case the City Council shall determine that any commodity or service shall be procured in open market, the same shall be procured in accordance with such directions as the City Council may give.

## CHAPTER XI.

### SALARIES

#### Section 11.01, Salaries

The salaries of the mayor and Council Member shall be established by ordinance adopted from time to time in accordance with Minnesota Statutes 415.11 and any amendments thereto. Said compensation shall include such amounts for fixed salary, per diem compensation and expense allowance as the City Council may deem reasonable pursuant to said statute. Other officers and employees of the city shall receive compensation as shall be fixed by the City Council in conformity with the provisions of this charter. The salaries of all officers and employees shall be in full payment for all services and personal expenses, excepting necessary expenses duly allowed by the City Council to such officers, employees and other designated representatives of the city while away from the city on business for the city.

Source: Ordinance No. 699

Effective Date: 6-16-86

#### Section 11.02, Gifts or Gratuities to Officers

No officer, member of any board or employee of the city shall, directly or indirectly, ask for or receive any gift, compensation, gratuity, reward or other valuable thing in connection with or resulting from the performance of his office or position excepting the salary as fixed by law.

## **CHAPTER XII.**

### **IMPROVEMENTS**

#### Section 12.01, Improvements Defined

As used herein the term “improvements” shall include the opening or widening of any street, alley or other public way, the improvement thereof by any kind of paving or surfacing, the construction, grading or maintenance thereof, installing curb and gutter and other street appurtenances including street lighting, the laying of watermains, sewers or sidewalks, the construction of boulevards or grass plots and the renewal or reconstruction of any such improvement. The improvement in one or more of the above ways of two or more streets may be included in one proceeding and conducted as one improvement. An improvement may be made pursuant to this chapter or any other applicable law. In connection with any street paving improvement, the City Council may require property owners to install water, sewer or gas pipes from the mains in the street to the property line, or may include the cost of such installations as a part of the cost of the improvement.

#### Section 12.02, Power to Make Improvements

The City Council is authorized to make any improvement under this chapter by resolution adopted by majority vote, at or after a meeting of which all owners of property fronting on such improvement or subject to assessment by reason of benefits therefrom shall have been notified by two weeks publication in the official newspaper. If owners of a majority of the property liable to assessment for any improvement shall sign a written petition protesting against such improvement, such resolution shall not be adopted unless supported by unanimous vote of all Council Members present at such meeting. The City Council may make any improvement on its own initiative or may require the petition of owners of 35 percent or more of the frontage of the property fronting upon street named in the petition as location of the improvement. In the event any such petition has been signed by owners of 100 percent of such property, no notice or hearing shall be required. The City Council may order any sidewalk to be repaired upon 30 days written notice and if not done within said time, the city may proceed to make the repair and assess cost to abutting property owners.

### Section 12.03, Determination of Ownership of Property

The ownership of property shall be determined by the city clerk by inspection of the records in the office of the auditor of the county. Joint owners shall not be counted as petitioners for an improvement unless all have joined in signing the petition. If the records disclose that property has been sold under contract for deed, the signature of both the contract vendor and the purchaser shall be required. The determination of the city clerk as to the percentage of owners signing any petition or as protesting against any improvement as shown by his certificate shall be conclusive as to all facts in reference thereto unless an action shall be brought to contest the same within ten days after the adoption of the resolution to make the improvement.

### Section 12.04, Apportionment of Cost

The City Council shall determine the portion of the cost of any local improvement to be borne by the entire city because of real property owned by the city to be specially benefitted thereby or because of intersecting streets and alleys or for fire hydrants and necessary connections to the mains and such further portion of the cost which it deems should be imposed upon general taxpayers of the city. Assessments may be levied upon property owned by the county or the school district in the same manner as other property and the assessment may be recovered in a civil action if not paid when due.

### Section 12.05, Special Fund for Each Improvement

A special fund shall be set up on the books of the city for each local improvement. The City Council shall by resolution set up such fund, which resolution shall determine the portion of the cost to be paid by the entire city and the portion to be assessed against benefitted property provided that the city shall be generally liable in the first instance for the contract cost and incidental expense and the City Council shall provide sufficient funds to pay all such costs and expenses and shall credit the same to the improvement fund.

### Section 12.06, Assessment Roll

At any time after the property subject to assessment has been determined and the cost of the improvement has been estimated, an assessment roll shall be prepared by the city clerk with the assistance of the engineer or other competent person selected by the City Council. All assessments shall be on the basis of benefits, giving effect to frontage, area, corner lot location, location in reference to the improvement and such other factors as the City Council may deem proper for determining the benefits received. The City Council shall, by resolution, fix the number of equal annual installments into which any assessment shall be divided, not exceeding twenty. The share of the cost to be paid by the city may be provided by an annual tax levy apportioned in the years and in sufficient amounts to meet such share over the period in which the assessments are levied. Such levies shall not be subject to any statutory or charter millage limits.

### Section 12.07, Notice of Hearing on Assessment

After the assessment roll has been filed with the city clerk, the city clerk shall cause notice of the

time and place when and where the City Council will meet to pass upon the assessment to be given by two weeks publication in the official newspaper. The notice will describe the improvement generally but need not otherwise identify the property to be assessed. It shall state that the City Council will consider objections in writing filed with the city clerk prior to the time of the meeting.

#### Section 12.08, Resolution Confirming Assessment

At the time and place fixed in the notice, the City Council shall meet to consider the assessment and objections thereto and shall at such time or later adopt a resolution confirming the assessment with such amendments as the City Council shall deem proper.

#### Section 12.09, Appeal and Error

No omission, informality or irregularity in any proceedings in the making of an improvement or in preliminary to the levy of any special assessments shall affect the validity of an assessment confirmed by resolution of the City Council unless an appeal shall be taken to the district court within thirty days after the adoption of such resolution. Notice of appeal shall be served upon the city clerk. The district court of Nobles County shall have jurisdiction to hear and determine all appeals. In case the special assessment shall be adjudged invalid or should the City Council determine that the assessment is invalid on account of any defect in any proceedings, by resolution adopted at any time prior to the certification of the assessment for collection to the county auditor, the City Council may proceed anew by proceeding as in the case of an original assessment or by taking up the previous proceedings at the point where error occurred and may make and levy a new assessment in the place of the assessment which has been adjudged or otherwise determined to be invalid. A reassessment shall be made in the same manner as the original assessment and shall be collected in the same manner.



#### Section 12.10, Collection of Assessment

The city clerk shall record all assessment rolls of special assessments in a book to be kept for that purpose and shall on or before the 15<sup>th</sup> day of October in each year deliver to the county auditor all assessment rolls not theretofore delivered and the county auditor shall extend the assessments against the property assessed. All deferred installments of assessment shall bear interest after 30 days from the date of the adoption of the resolution approving the assessment at such rate as may be fixed by the City Council. Assessments shall be collected and payment thereof enforced in the same proceeding and in like manner as other taxes are collected and payment thereof enforced and the proceeds of the assessments shall be paid to the county treasurer together with all costs, penalties and interest collected thereon at the time of making payment of other city taxes.

#### Section 12.11, Financing of Special Improvements

The City Council may issue certificates of indebtedness for each improvement which may be made payable solely from the proceeds of the assessments or which may pledge the full faith and credit of the city to their payment, as the City Council may determine. All certificates of indebtedness pledging the full faith and credit of the city shall be sold at public sale in the manner provided in Minnesota Statutes.

#### Section 12.12, Permanent Improvement Revolving Fund

The City Council may create and maintain a permanent improvement revolving fund for the purpose of financing any or all local improvements and may issue general obligation bonds of the city from time to time as may be necessary in order to create and maintain such fund. All such bonds shall be sold at public sale in the manner provided in Minnesota Statutes.

## CHAPTER XIII.

### HOSPITAL DEPARTMENT

#### Section 13.01, Hospital Board

The control and management of all hospitals owned by the city shall be committed to a hospital board consisting of seven members appointed by the City Council for a three-year term except that the terms of the first members shall expire three in three years, two in two years and two in one year. The City Council shall appoint to fill vacancies. The members of the board shall serve without pay but shall receive actual expenses while absent from the city on business of the board and may pay reasonable compensation to members for services as secretary or treasurer or both. One member of the Hospital board may be a nonresident of the city.

Source: Ordinance No. 774

Effective Date: 3-9-92

#### Section 13.02, Officers

The hospital board shall elect a president, vice president, secretary and treasurer. One official may serve as both secretary and treasurer. The board shall fix the bond of the treasurer and provide for the payment of the premium thereon out of the hospital fund.

#### Section 13.03, Powers of the Board

The board shall have charge of the maintenance and operations of all hospitals and may make rules, regulations and bylaws concerning the same which it may deem for the best interest of such hospital or hospitals. The board shall receive all donations and contributions for hospital purposes that may be made to the city and all earnings of public hospitals and all funds provided for hospital purposes including the proceeds of taxes and all its funds shall be disbursed as ordered by the board. The board shall employ an administrator for each hospital and such other employees as may be required and shall have authority to fix their pay. The board shall hold regular meetings at least once each month as fixed by the bylaws and four members shall constitute a quorum at any meeting.

Source: Ordinance No. 490

Effective Date: 9-10-72

#### Section 13.04, Funds

All funds received from the operations of the hospital or provided therefor by order of the City Council shall be kept in a separate account and used solely for hospital purposes. The hospital board shall have authority to expend money therefrom in accordance with provisions of Minnesota Statutes 341.345 entitled Uniform Municipal Contracting Law and any amendments thereto. The board may provide for the expansion of hospital facilities and may pledge the net profits of the hospital for the payment of revenue bonds issued therefor. Such bonds shall not pledge the full faith and credit of the city but may be made payable from the proceeds of taxes theretofore ordered levied by the City Council for hospital purposes. No limit on tax levies shall apply to any pledged for the payment of such bonds.

Source: Ordinance No. 490  
Effective Date: 9-10-72

#### Section 13.05, Reports

The board shall submit to the City Council detailed reports of its operations semi-annually as of the first day of January and the first day of July in each year. The report as of January first shall include an inventory of all property and assets under the hospital board.

## CHAPTER XIV.

### FRANCHISES

#### Section 14.01, Franchise Ordinances

The City Council may grant franchises to any private corporation for use of streets and other public places or for furnishing public utility services to the city and its inhabitants. All franchises and any renewals, extensions or amendments thereof shall be granted by ordinance.

#### Section 14.02, Franchise Required

A franchise shall be required for any use or occupancy of any streets or public places of the city with any permanent or semi-permanent fixtures for the transmission of electricity, gas, heat, or any other utility except the transportation of persons or things. The regulation and licensing of the transportation of persons or things upon the streets of the city is reserved to the City Council which shall have the authority to delegate such regulation, operation, and supervision as it may determine. The City Council may also require a franchise for any other use of the public streets different from that of the ordinary citizen.

Source: Ordinance No. 882

Effective Date: 12-27-99

#### Section 14.03, Vote on Exclusive Franchise Ordinances

All franchise ordinances shall set out the terms and conditions of the franchise, and all exclusive franchise ordinances shall be submitted to and approved by a majority of the voters of the city voting thereon before they shall be in force and effect. The City Council shall provide for such elections, and the questions to be submitted.

Source: Excerpt of Minutes

Effective Date: 11-11-80

#### Section 14.04, Franchise Regulations

The City Council is empowered to regulate and control the exercise of any franchise, however acquired, whether the same shall have been acquired hereunder or previously granted by the City or by the State. No franchise shall be transferred except as authorized by resolution of the City Council.

**CHAPTER XV.**

**AIRPORT**

Section 15.01, Airport Commission

Chapter Fifteen, Section 15.01, is hereby repealed in its entirety and shall have no further force or effect.

Source: Ordinance No. 909  
Effective Date: 02-26-01

## CHAPTER XVI.

### MISCELLANEOUS AND TRANSITORY PROVISIONS

#### Section 16.01, Continuance of Existing Ordinances

All existing ordinances and all lawful rules and regulations of any board or officer of the City, in force at the effective date of this amendment and not inconsistent with the provisions hereof, shall continue in force and effect hereunder until repealed or amended in the manner provided herein. All contracts and other obligations of the City shall continue in force and effect and any public improvement as to which any initial steps have been taken may be carried to completion and assessment may be levied therefor in accordance with the provisions of law in force when it was commenced or in accordance with the provisions of this amendment.

#### Section 16.02, Inspection of Books

All records, books, papers and data pertaining to the business of the City of any board or department thereof shall be available for the inspection of the public in accordance with the provisions of Chapter Thirteen of the Minnesota Statutes entitled Minnesota Government Data Practices Act, and any amendments thereto, and in accordance with any ordinance adopted by the City Council pursuant to said Minnesota Government Data Practices Act. The City Council may from time to time by resolution establish reasonable charges and fees for the production of such data in accordance with Minnesota Statutes 13.03 Subdivision 3. Certified copies or transcripts of City records duly certified by the city clerk shall be admissible in evidence without other proof of their authenticity.

Source: Ordinance No. 700  
Effective Date: 6-16-86

#### Section 16.03, Qualification in Judicial Proceedings

No judge or juror shall be incompetent or disqualified to act as such in any action or proceeding in which the City shall be a party in interest by reason of his being an inhabitant or taxpayer of the city.

Section 16.04, Security on Appeals

The City shall not be required in making any appeal or in suing out any writ or process in or about any action or proceeding, to enter into any bond or undertaking or to give any security whatever. Any stay allowed by law or by court order in favor of the City shall take effect without the giving of any bond or security.

Section 16.05, Severability

If at any time any of the provisions of this charter or the applicability thereof to any person or circumstances is held invalid, the remainder of this charter and the applicability thereof and of such provisions to other persons or circumstances shall not be affected thereby.

The foregoing is the City Charter of the City of Worthington, Minnesota dated January 4, 1909, as amended on April 2, 1957, April 5, 1966, September 10, 1972, May 13, 1978, July 11, 1980, November 11, 1980, November 23, 1980, July 12, 1982, June 16, 1986, September 14, 1987, January 23, 1990, April 14, 1991, March 9, 1992, November 11, 1997, September 22, 1998, December 27, 1999, February 8, 2000, February 26, 2001 and September 9, 2012.