

## ***CITY CHARTER***

### **ORDINANCE AMENDING THE CHARTER OF THE CITY OF BRAINERD**

#### **ORDINANCE NO. 903**

The City Council of the City of Brainerd does ordain:

**SECTION ONE:** That Sections 2 and 4 of Chapter One of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION TWO:** That Sections 7A, 19A, 23, 24, 27, 28, 34, and 41 of Chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION THREE:** That Subsections Thirteenth, Twenty-first, Twenty-second, Twenty-fourth, Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Forty-third, Forty-fourth and Forty-seventh of Section 39 of Chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION FOUR:** That Subsections (6) and (12) of Section 54 of chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION FIVE:** That Section 70 of Chapter Four of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION SIX:** That Sections 77, 79 and 80 of Chapter Five of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION SEVEN:** That Sections 88 and 94 of Chapter Six of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION EIGHT:** That Chapters Seven, Eight and Ten of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION NINE:** That Sections 147 and 148 of Chapter Thirteen of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION TEN:** That Section 156 of Chapter Fourteen of the Charter of the City of Brainerd be amended by striking the whole thereof.

**SECTION ELEVEN:** That Sections 1 and 3 of Chapter One of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER ONE

### NAME, BOUNDARIES, POWERS AND DIVISIONS

"SECTION 1. All that district of country in the county of Crow Wing contained within the limits and boundaries as now are or hereafter may be established shall be a City by the name of "Brainerd", and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd", and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

SECTION 2. That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable.

The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.

FIRST WARD: All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6<sup>th</sup> Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7<sup>th</sup> Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.

SECOND WARD: All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8<sup>th</sup> Street, thence north to the centerline of Washington Street, thence east to the centerline of North 10<sup>th</sup> Street, thence north to the centerline of Grove Street, thence east to the centerline of North 11<sup>th</sup> Street, thence north along North 11<sup>th</sup> Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.

THIRD WARD: All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8<sup>th</sup> Street , thence north along North 8<sup>th</sup> Street to the centerline of Washington Street, thence east to the centerline of North 10<sup>th</sup> Street, thence north to center line of Grove Street, thence east to the centerline of North 11<sup>th</sup> Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.

FOURTH WARD: All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7<sup>th</sup> Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371, thence south to the south City limits.

AMENDED 12/2/69, 10/7/85, 4/29/2002

SECTION TWELVE: That Sections 5, 6, 7, 8, 9, 9A, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 21, 22, 25, 26, 29, 30, 31, 32, 33, 35, 36, 37 and 38 of Chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER TWO

### OFFICERS AND ELECTIONS

"SECTION 3. The elective officers of the City shall be a Mayor and seven Aldermen. Of the seven Aldermen, three shall be elected at large and one from each ward. All elective officers shall be residents of the City of Brainerd and the four ward Aldermen shall be residents of their respective wards.

AMENDED 4/5/49-12/2/69-1/22/80-5/5/86

SECTION 4: When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically re-enacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all general and special City elections, and when any such officers are absent or unable to act, the City Council shall, at least two weeks before an election, appoint officers in their stead. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.

AMENDED 4/5/49-1/4/83-12/17/12

SECTION 5. The term of office of every officer elected under this Charter, unless otherwise provided for, shall commence on the first secular day of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified.

AMENDED 12/3/18-4/5/49-11/3/64-12/2/69-2/3/86

SECTION 6. The appointive officers of the City shall be a City Administrator, City Engineer, City Attorney, Chief of the Fire Department to be known as Fire Chief, Building Inspector, Public Utilities commission to consist of five(5)members, a Park and Recreation Board to consist of five(5) members, Board of Health to consist of three (3) members, and a Library Board to consist of nine (9) members, and such other officers as the City Council deem proper and necessary.

Provided, however, that no elective or appointive person holding office in the City of Brainerd may be appointed to the Public Utilities Commission.

AMENDED 1/4/83-5/6/85-5/5/86-7/5/88

SECTION 7. The City Administrator shall be chosen by the Council for an indefinite term solely on the basis of training, experience and administrative qualifications and need not be a resident of the City of Brainerd at the time of appointment, but shall be a resident of the City of Brainerd within a reasonable time following appointment. At its first regular meeting in January of each odd-numbered year the Council shall, by majority vote, appoint the City Attorney, City Engineer and Building Inspector for two year terms. At its first regular meeting in January of each year, the Council shall similarly appoint other officers for terms of one year. All terms shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified.

AMENDED 11/3/64-5/5/86-7/5/88

SECTION 8. The members of the Public Utilities Commission, the Park and Recreation Board, the Health Board and the Library Board shall be appointed by the Mayor and their appointment confirmed by the City Council: such appointments and confirmation shall be made at the first regular Council meeting in January of each year; at which time there shall be appointed one (1) member of the Public Utilities Commission, one (1) member of the Park and Recreation Board: and every other year, one (1) member of the Health Board and three (3) members of the Library Board. The term of office for a member of the Health Board and the Library Board shall be for six (6) years, the term of office for a member of the Public Utilities Commission shall be for five (5) years, and the term of office for a member of the Park and Recreation Board shall be for five (5) years. Such terms of office shall commence upon their appointment and qualification and continue for said terms until their successors are appointed and qualified.

AMENDED 1/4/83-5/6/85-11/4/86

SECTION 9. Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same by and with the consent of the City council; provided, that any member of a board may resign with the consent of such board. Any elective or appointive officer changing residence from the City, or any Alderman from the ward for which elected or appointed, or any such officer who shall refuse or neglect to enter upon the discharge of the duties of the office for ten days after the beginning of the term for which elected or appointed to fill, shall be deemed to have vacated or abandoned such office.

SECTION 10. Every person appointed to any office by the City Council or Mayor or elected to any office by the people, may be removed from such office by a vote of two thirds of all the Aldermen authorized to be elected. But any officer elected by the people or appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense.

The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and to the Aldermen, and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the

case: and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by Aldermen without leave, from three successive regular meetings of the Council, or a member of a board from the meeting of such board, or neglect of duty of any officer.

SECTION 11. Any person shall not be eligible to any office under this Charter who has ever been convicted of a felony or is not at the time of his election or appointment a qualified elector of the City of Brainerd or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.

SECTION 12. Whenever any vacancy shall occur in any elective or appointive office, either by death, resignation, removal or failure of election, or failure to qualify, or otherwise, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council; except that then members of the Public Utilities Commission, the Board of Health, the Park Board and the Library Board, shall be appointed by the Mayor and confirmed by the City Council.

All elective officers so appointed shall hold their respective offices until the next regular City election, and all appointive officers so appointed shall hold office for the balance of the unexpired terms.

AMENDED 5/6/85

SECTION 13. Every person elected or appointed to any office under the provisions of this Charter shall before entering upon the duties of the office take and subscribe an oath of office and file the same with the City Administrator. The Administrator and such other officers as the City Council shall require and as shall be required by the provisions of this Charter, shall severally, before they enter upon the duties of their respective offices, execute to the City of Brainerd, bonds in such amounts as the Council shall prescribe, conditioned that such officers will faithfully perform the duties of their respective offices, and account for and turn over all money and other property, coming into the officer's hands. Such bond and the expense thereof, if a surety bond, shall be paid by the City.

All official bonds shall be approved by the City Council and be kept on file in the office of the City Administrator.

AMENDED 11/2/54

SECTION 14. The Mayor and Aldermen holding office at the time this Charter takes effect, shall hold their respective offices until such offices are filled at the first City election held thereafter; and during such period the said continued Aldermen shall constitute the council.

On the day this Charter goes into effect at 8:00 p.m., the City Council and Mayor shall meet and appoint all the appointive officers provided for in this Charter, in the manner herein provided for appointing such officers, and such appointees shall hold their respective offices until the next regular time for appointing such officers, at which last named time all appointive offices shall be filled as provided in Section Ten of this Charter.

SECTION 15. The compensation of all elective and appointive officers of the City shall be fixed by a resolution of the City Council as permitted by State Statute.

AMENDED 4/4/33-4/5/49

SECTION 16. The Mayor shall be the chief executive of the City and see that the laws of the state and the ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their duties. The Mayor shall be ex-officio a member of the City Council, for the purpose only of casting the deciding vote upon any question before said Council when the Aldermen composing the said Council present and voting are equally divided thereupon. The Mayor shall from time to time give the City Council such information and recommend such measures as the Mayor deems to be in the best interest of the City. The Mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the City. All Ordinances and Resolutions shall before they take effect be presented to the Mayor, and if the Mayor approves thereof shall sign the same, and such as the Mayor shall not sign, shall be returned to the Council with the Mayor's objection thereto, by depositing the same with the City Administrator to be presented to the City Council at its next meeting.

Upon the return of any ordinance or Resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of all the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or Resolution shall not be returned by the Mayor within five days, Sundays and holidays excepted, after it shall have been presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. In case the Mayor shall be guilty of willful oppression, corrupt partially or other malfeasance in the discharge of the duties of the office the Mayor shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars, and the court shall have the power to add to the judgment of fine that the Mayor be removed from office.

SECTION 17. At the first meeting of the City Council after the regular City election it shall proceed to elect by ballot from its number a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

SECTION 18. The City Administrator shall be the chief administrative officer of the City of Brainerd. The Council shall delegate to the City Administrator by Ordinance whatever powers and duties it deems necessary or proper for the efficient administration of City affairs. Such delegation may include, but is not limited to, supervision of City employees and department heads. Provided, however, that the City Attorney shall be directly responsible to the Council and Mayor for professional advice and services. The Council may at any time rescind or amend authority delegated to the City Administrator. At no time shall such delegation abridge the authority of an Alderman or the Mayor or the Public Utilities Commission or any other board or commission enumerated in the Charter in fulfilling their duties granted in this charter.

AMENDED 11/2/54-7/5/88

SECTION 18A. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to effect a removal of such elective municipal officer shall be as follows:

SECTION 18B. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five percentum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the Council and presented to the City Administrator; provided, that the petition shall contain a general statement of the ground for which the removal is sought.

SECTION 18C. The signatures to the petition need not all be appended to one paper, but each signer shall add the person's place of residence, giving the street and number. One of the signers to each such paper shall make oath before an officer competent to administer oaths, that the statements thereon made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of said presentation of such petition, the City-Administrator shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow extra help for that purpose, and the Administrator shall attach to said petition a certificate showing the result of said examination. If, by the Administrator's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Administrator, shall within ten days after such amendment, make like examination of the amended petition, and if the certificate shall



show the same to be insufficient it shall be returned to the person presenting the same without prejudice, however, to the presentation and filing of a new petition to the same effect.

SECTION 18D. If the petition shall be found to be sufficient the Administrator shall transmit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the Administrator's certificate to the Council that a sufficient petition is filed. The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his or her course in office: and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other City elections.

SECTION 18E. The officer sought to be removed shall be deemed a candidate, and, unless the officer resigns the officer's name shall be printed on the ballot without nomination. The nomination of other candidates shall be the same as the nomination of candidates for any regular City election for the office of which the incumbent is sought to be removed. The officer sought to be removed shall continue in office until the canvass of the returns of such recall election by the Council, and if the incumbent fails at such election to receive the highest number of votes, the officer shall be deemed removed from office and the candidate at such election receiving the highest number of votes shall be deemed the successor in office for the unexpired term. Such successful candidate except the recalled officer, shall qualify within ten days thereafter or the said office shall be deemed vacant. Said recalled officer shall yield said office on demand to the successor.

SECTION 18F. No person who has been removed from office by recall, or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one year after such removal or resignation.

SECTION 18G. In so far as practical, all laws and provisions for holding regular or special elections in the City shall apply to such recall election and the preliminaries thereto, and wherein applicable or impractical the Council shall by Ordinance provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of Sections 18A, 18B, 18C, 18D, 18E, and 18F.

SECTION 18H. Every amendment hereinbefore proposed shall take effect and be in force from and after the date of its adoption.

## DUTIES OF THE CITY ATTORNEY

SECTION 19. The City Attorney shall perform all professional services incident to the office; shall attend all meetings of the City Council, and when requested shall attend all meetings of committees of the Council. The City Attorney shall give legal opinions and advice upon all questions pertaining to City business when requested so to do by the City Council or any officer of the City. The City Attorney shall institute, prosecute and defend all actions brought by the City or against the City; and shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the City or any board thereof is interested. The City Attorney shall be the legal advisor of the Public Utilities Commission, the Park Board, the Health Board and the Library Board, and the committees thereof; shall attend the meetings of the said boards when requested so to do, and furnish to the said boards written legal opinions when requested, and shall institute, prosecute and defend all actions which may be brought by or against said boards or by or against the City affecting the affairs of such boards.

The Council shall have power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties and fix and pay the compensation therefor.

AMENDED 5/6/85

## DUTIES PERFORMED BY THE CITY ADMINISTRATOR

SECTION 20. It shall be the duty of the City Administrator to receive all monies belonging to the City, including taxes and revenues of the City, and shall keep an accurate account thereof. The City Administrator shall keep regular books of account of the said City and of all boards which shall show in detail the monies received and the monies disbursed and for what purpose disbursed. The City Administrator shall fully at all times show the precise financial condition of the City and of the several boards. The City Administrator shall keep a record showing all of the bonded indebtedness of the City and showing when the same and the interest thereon, and the amount of the interest, has been paid: and showing what orders and warrants have been paid by the City, and all of the disbursements thereof, together with the amounts thereof, the interest thereon, and the time of such payment.

All monies belonging to the City or to any of the boards thereof, shall be deposited by the City Administrator in a bank or banks designated by the City Council.

The City Council shall have the power to designate any bank or banks as the recipient and custodian of the funds of said City and of the said boards, and to fix and approve the bond of such bank or banks, and to make with such bank or banks such contracts as it deems proper for the payment of interest upon such deposit.

AMENDED 1/22/80

## DUTIES OF THE CITY ENGINEER

SECTION 21. The City Engineer shall be a person qualified as a surveyor and civil engineer, and shall have supervision and general charge of all work done for the City and all work done on any sewers, street highways, alleys and other public grounds. The City Engineer shall direct the manner of performing all such work, and the construction and repairs of all paving, macadamizing, sidewalks, street crossings, bridges and other structures or improvements in and upon the streets, highways, alleys and other public grounds in the City, and may suspend any work or construction as shall not conform to the requirements of the City Council, and he shall see that the terms of all contracts for any work or construction on behalf of the City are fully complied with. The City Engineer shall, when directed by the City Council, or any property owner, make -surveys and fix boundary lines of all lots, blocks, streets, alleys and public grounds within the city, and the -grades of all streets, alleys and sidewalks, and shall place such monuments and stakes as will indicate and evidence the same, and shall keep in the City Engineer's office in books for that purpose true records and memorandums of all surveys, and shall make and file in this office plats fully showing all such surveys: all of which records and plats shall be the property of the City, and shall be turned over to the successor in office. Whenever the City Engineer shall perform such surveys for the public at large he shall receive the same compensation as is allowed by the statutes of Minnesota to county surveyors for like services, to be paid by the persons at whose request such services are rendered.

The City Council shall have the power to appoint the same person to act as both City Engineer and Street Commissioner, or City Engineer and Building Inspector, or for all of said offices.

## DUTIES OF THE BUILDING INSPECTOR

SECTION 22. The Building Inspector shall be knowledgeable and trained as a building official or inspector: and shall enforce or cause to be enforced the laws of this state and the ordinances of the City relating to the construction and inspection of all buildings, structures and public utilities, and inspect sewers and plumbing, gas, chimneys, smoke stacks, steam pipes, elevators, boilers and ovens within the City. The Building Inspector shall have the right to enter into any building or structure between the rising and setting of the sun in the discharge of official duties; and shall have the power to inspect the plans and specifications for buildings and for the erection of heating, lighting, and ventilating apparatus, and to grant permits for the construction and alteration of buildings, and no building shall after the adoption of this Charter be erected, repaired or removed within the fire limits of the City without the permit first obtained from the Building Inspector, which permit shall be issued by the Building Inspector. Building permits are routinely issued by the Building Inspector. In the event an applicant for a building permit is in disagreement with the Building Inspector regarding the issuance or non-issuance of a permit, the applicant may appeal the decision to the city Council at its next regularly scheduled meeting. The Building Inspector shall perform such other duties and have such other rights for the public safety as the Council may fix by ordinance.

## DUTIES OF CITY OFFICERS

SECTION 23. All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.

SECTION 24. Every person having been an officer of the City shall upon the expiration of the officer's term of office deliver to the successor in office all property, papers, books and effects of every description in the officer's possession belonging to the City or pertaining to the office. If the officer fails to do so within five days after being notified and requested by the Mayor or President or Vice-President of the council or city Administrator, the officer shall forfeit and pay for the use of the City the sum of Five Hundred (\$500.00) Dollars, and all damages caused by the neglect or refusal so to deliver, which amount may be recovered by the City in an action brought for that purpose. The City may by an action in the nature of replevin or mandamus proceedings enforce the delivery and possession of such property, papers, books and effects.

SECTION 25. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

SECTION 26. The City Council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said City, and may determine what contract and bond should be required of the person or persons selected to do such job printing.

SECTION 27. No City officer shall be directly or indirectly interested in any contract of any character with the City or any department or board thereof, either as vendor, purchaser, contractor, employer, employee or otherwise. All contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued. Any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in Section Ten of this Chapter.

SECTION 28. All officers of the City having charge of any City property, shall at or before the last Council meeting in December of each year, and at such other times as the City Council may require, make and return to the City Council a full inventory of all public property in their hands or under their control, and shall with such inventory make an itemized statement of all property which has come into their possession since their last report. The inventory and report shall be filed with the City Administrator and kept open for public inspection, but need not be entered in the Council proceedings or published in the official newspaper unless the Council so directs.

## DUTIES OF THE CITY COUNCIL

SECTION 29. The Aldermen shall constitute the City Council and shall be the governing body of the City, and the style of all Ordinances shall be, "The Council of the City of Brainerd do ordain". A majority of all the Aldermen shall constitute a quorum. The President or Vice-President of the Council shall when present preside at all meetings. In their absence the Council may elect a President pro tem who shall for such meetings and the proceeding thereof have the same power as the President.

SECTION 30. The City Council shall hold public meetings which shall not be less than one meeting per month. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the public. The Mayor, the President or Vice-President of the Council or any two of the Aldermen may call special meetings by notice filed with the City Administrator and served upon each of the members by delivering the same personally or left at the place of their usual abode: or a special meeting may be called by the Mayor, President, Vice-President or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. In case the time for any regular, special or adjourned meeting of the City Council shall occur on a Sunday, a legal holiday or a day of general or special election, then in such case such meeting shall be deemed to be called and shall be held at the same hour on the next secular day.

SECTION 31. The City Council shall be the judges of the election and qualification of its own members and in such case shall have the power to send for such persons and papers. It shall determine the rules of its own proceedings and shall have the power to compel the attendance of absent members and may provide for the punishment of such absent members."

SECTION THIRTEEN: That Subsections First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Fourteenth, Fifteen, Sixteen, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-third, Twenty-sixth, Twenty-seventh, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, Fortieth, Forty-first, Forty-second, Forty-fifth, Forty-sixth, Forty-eighth, Forty-ninth, Fiftieth and Fifty-first of Section 39 of Chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

"SECTION 32. The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant, nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City.

The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend and repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense. It is the Council's duty to make all rules and regulations providing for the use of a prison.

The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, resolution, rule or by-law passed or ordained by them: and all such ordinances, resolutions, rules and by-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by ordinance, resolution or by-laws:

FIRST. To license and regulate the exhibitions of common showmen, and shows of all kinds and the exhibitions of caravans, menageries, circuses, concerts and theatrical performances, and places of amusement; also to license and regulate all auctions and auctioneers, pawn-brokers, dealers in second-hand goods, junk dealers, keepers of intelligence or employment offices, as well as all persons doing the business of seeking the employment for others, or procuring or furnishing employees for others: also to license and regulate legal gambling, billiard tables, nine or ten pin alleys, bowling alleys, shooting galleries, merry-go-rounds, taverns, victualling houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented, malt or intoxicating liquors, within said City. The license shall run for and continue in force during the period of one year from and after the date of the issue of such licenses, any general law of this state to the contrary notwithstanding. And also to license and regulate the selling or contracting for the sale of any goods, ware or merchandise at retail, by samples, when any such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser.

SECOND. To restrain and prohibit all descriptions of illegal gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gambling in the City.

THIRD. To prevent any riots, noise, disturbance and disorderly assemblages in said City, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same: and to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers, inmates or frequenters thereof, and to authorize the destruction of all instruments, implements or appliances used for the purpose of gaming.

FOURTH. To compel the owner or occupant of any cellar, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the City.

FIFTH. To direct the location and management of stockyards, slaughterhouses and markets, breweries, distilleries, pawnbrokers, auctioneers, dealers in second-hand goods and junk dealers,

and to regulate and establish rates for and license venders of gun powder, dynamite, fireworks or other explosive or combustible material, and regulate the storage, keeping and conveying of all such materials, and regulate the use thereof in blasting or otherwise.

SIXTH. To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with vehicles of any kind or boxes, lumber, firewood, posts, awnings, signs or any other material or substances whatever.

SEVENTH. To regulate the movement and speed of railroad locomotives and cars, and to prevent them from obstructing the streets and public walks; to prevent and punish horse racing, immoderate riding or driving in the streets, highways and public grounds, to regulate the speed of and use of automobiles and other vehicles; and to regulate the places of swimming in the waters within the limits of said City.

EIGHTH. To restrain the running at large of animals, also poultry: and to authorize the distraining, impounding and sale of the same, and impose penalties on the owners of such animals or fowls for violation of the ordinances. When a sale of such animals or fowls shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling, shall be deposited in the office of the Treasurer of said City, for the use and benefit of the owner or owners thereof, if called for by such owner within one (1) year from the day of such sale.

NINTH. To restrict, restrain and regulate the running at large of dogs, and to require a license for keeping the same, and to authorize the destruction of the same, in a summary manner, when running at large contrary to any ordinance in relation thereto.

TENTH. To prevent any person from bringing, depositing or having within said City any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substance of putrid or unsound beef, pork, fish, hides or skins of any kind, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

ELEVENTH. To make and establish public pounds, pumps, well, cisterns, hydrants, watering places and reservoirs, and to provide for and conduct water into and through the streets, avenues, alleys, and public grounds, and to provide for and control suitable water works for the supply of water to the City and its inhabitants; to erect lamps and create, alter and extend lamp districts, or to provide other means whereby to light the City, and to provide for and control suitable works for lighting the City streets, public grounds and public buildings, and furnishing light to the inhabitants of said City.

TWELFTH. To establish and regulate boards of health.

THIRTEENTH. To prevent all persons riding or driving any animal, or vehicle, on the sidewalks or public grounds or property in said city, or in any way doing any damage to such sidewalk, grounds or property.

FOURTEENTH. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks or firearms in any situation which may be considered by the Council dangerous to the City or any property therein, or annoying to any citizen thereof.

FIFTEENTH. To regulate and restrain porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses and other establishments.

SIXTEENTH. To prevent open and notorious drunkenness and obscenity in the streets or public places of the City, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

SEVENTEENTH. To establish public markets and market places, and other public places or buildings, and make rules and regulations for the government of the same; to appoint suitable officers for over-seeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

EIGHTEENTH. To provide for the receipt, storage, transportation, safekeeping, and dealing and traffic in gun-powder, gun-cotton, petroleum, kerosene, or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any said article as may be kept, stored, dealt in, transported through or received in said City, contrary to such ordinances as said city Council may enact for the safety of life and property within said city.

NINETEENTH. To license and regulate shops and stands for the sale of game, poultry, butchers meats, butter, fish and other provisions, and also to license and regulate all peddlers, hucksters, hawkers and venders, doing business within said City.

TWENTIETH. To compel the owner or occupant of buildings or grounds within the City, to remove snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel the owner or occupant to remove from the lot owned or occupied by the person all such substances as the Board of Health shall direct, and in the person's default, to authorize the removal or destruction thereof by some officer of the City, at the expense of such owner or occupant. Also to compel the owners of low grounds where water is apt to collect and become stagnant, to fill or drain such low places, and in their default to authorize the removal or destruction thereof by some officer of the City, at the expense of such owner or owners.

TWENTY-FIRST. To regulate the time, manner and place of holding public auction and venues.



TWENTY-SECOND. To provide for watchmen, and to prescribe their number and duties and to regulate the same, and to prescribe the number of police officers and their duties, and to regulate the same.

TWENTY-THIRD. To appoint inspectors, and to regulate their duties and prescribe their compensation.

TWENTY-FOURTH. To direct and regulate the planting and preserving of ornamental trees in streets, alleys, and public grounds and highways of the City.

TWENTY-FIFTH. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the City.

TWENTY-SIXTH. To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any buildings which, by reason of dilapidation, defects in structure, or other cause, may have or shall become imminently dangerous to life or property, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

A statement of such expense, specifying the lots or parcels of land upon which it was incurred, shall be filed by the City Administrator in the office of the Register of Deeds of Crow Wing County and the County Auditor, and shall thereupon become a lien in favor of the City upon such lot or parcel of land. The amount of such expense may be recovered by said City against the owner or owners of said lot or parcel of land, and the lien be enforced in a civil action in any court of competent jurisdiction: provided, that such statement shall be filed within three months after such expense has been incurred by said City, and that suit shall not be brought as aforesaid, to enforce such lien within one (1) year thereafter, the same shall abate: and provided further, that said lien shall not obtain before the filing thereof, against a bona fide purchaser, without notice of such expenditures.

TWENTY-SEVENTH. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious disease, and to make quarantine laws and to enforce the same within the City. The jurisdiction of said City shall extend to and be in force over any lands within the county of Crow Wing, purchased or used by said City for the purpose of a quarantine. For police or sanitary regulations, and for the preservation of the health of the City and the suppression of disease and the abatement of public nuisances and the suppression of any business contrary to the sanitary regulations of the City Council or the Board of Health, the jurisdiction of the City shall extend for a circuit of one mile beyond the present or any future limits of the City.

TWENTY-EIGHTH. To regulate the opening of hatchways, stairways and other openings in sidewalks, and to compel proper guards about the same.

TWENTY-NINTH. To regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or other buildings designated thereon.

THIRTIETH. To require the owner or lessee of any building or structure, now or hereafter built or constructed in the City to place fire escapes and other appliances for protection against and for the extinguishment of fires, as it may direct; and also to require such owner or lessee to construct, provide and furnish, each and every other thing, and to do each and every other act which it may think necessary or advisable to lessen the dangers to human life in case of fire or accident.

THIRTY-FIRST. To regulate and control or prohibit the placing of telegraph, telephone or other poles along or within the streets, alleys or public grounds of the City, and to regulate, control or prohibit the placing of wires along or upon any street, alley or public grounds of the City for the use of telegraph, telephone or other transmission of electricity, including the power to require and regulate the placing of such wires under ground within the said City or any portion thereof.

THIRTY-SECOND. To regulate the penning, herding and treatment of all animals within the City.

THIRTY-THIRD. To regulate or prohibit the carrying or wearing concealed, by any person, any dangerous or deadly weapon and to provide for the confiscation thereof.

THIRTY-FOURTH. To fix the location and grade of all railway tracks, side tracks and spurs within the city, and to order and compel the same to be placed above or below streets and alleys crossing the same, and to require that railway companies keep gates or flagmen, or both, at street crossings, and to do such other acts as the Council may deem proper for public safety and convenience.

THIRTY-FIFTH. To grant or refuse to grant unto corporations, or persons operating or intending to operate telephone or telephone exchange business within the City, the right to use the streets, alleys and public grounds for the purpose of placing and maintaining poles and wires, and to fix such terms and conditions as to the City Council may seem proper, and to change the same from time to time: and also by fines and penalties to compel and enforce the observance of and compliance with all ordinances and Resolutions in such matters.

THIRTY-SIXTH. The Council of the City of Brainerd shall be authorized to exceed its overall levy limitations pursuant to Minnesota Statutes, Sections 275.50 to 275.58, as amended, for the levy year 1987, by an amount not to exceed an amount equal to a sum producible from a one mill levy on the dollar of the taxable property of the City of Brainerd prior to the time of such levy, which may be levied on the taxable property within its boundaries in addition to all other taxes voted by it. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor. It shall be exempt from the penalty provisions of Minnesota Statutes, Section 275.51,

Subdivision 4, as well as any other penalty provisions, and shall also be over and above any limitations in the Charter of the City of Brainerd prior to the time of such levy. Such additional levies shall be used for the purpose of establishing and maintaining a public bus or transit facility, or subsidizing a private bus or transit facility. In the next succeeding levy year and thereafter, such amounts shall become a permanent adjustment to the levy base per capita of the City of Brainerd."

AMENDED 11/3/70-9/12/72-9/10/74-12/2/75-9/14/76-9/4/86

SECTION FOURTEEN: That Sections 40, 42, 43, 44, 45, 46, 47, 48 and 49 of Chapter Two of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

"SECTION 33. The City Council may create an ordinance which may impose punishment for the breach of any Ordinance of the City to impose a fine and imprisonment as permitted by state law.

SECTION 34. All Ordinances, Resolutions and By-Laws shall be passed by an affirmative vote of a majority of the members of the City Council present by an aye and nay vote.

All Ordinances shall be twice read at length in open Council before their passage unless the reading is dispensed with by unanimous consent: and no Ordinance shall be passed within ten (10) days after being first so read.

All Ordinances shall be once published in the official paper of the City, and no Ordinance shall take effect until one week after the day of such publication. All Resolutions and By-Laws shall take effect from and after their passage or adoption unless the City Council shall expressly order to the contrary: provided, however, that all Ordinances in relation to contagious or infectious disease or hydrophobia may be passed at the meeting of the first reading, and take effect from and after their passage if the City Council so order.

AMENDED 12/19/83

SECTION 35. A copy of the record of any Ordinance or Resolution heretofore passed or that may hereafter be passed, certified by the Administrator and verified by the seal of the City, or recorded in the books containing the official proceedings of said Council, or published in any compilation of Ordinances made under the direction of the City Council, shall be prima facie evidence of the contents of such Ordinance or Resolution and of the regularity and legality of all proceedings relating to the adoption and approval thereof: and shall be admitted as evidence in any court in this state without further proof.

In all actions, prosecutions and proceedings of every kind before a court, the court shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such Ordinances.

SECTION 36. The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SECTION 37. No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Aldermen as were present when said vote was originally taken.

SECTION 38. The City Council shall examine, audit and adjust the accounts of all the City officers and agents of the City at such times as they deem proper, and also at the end of each fiscal year and before the term for which the officers of said City were elected or appointed shall expire. The City Council shall require and may compel by proceedings in court each and every such officer and agent to exhibit books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the Council in the discharge of the officer's or agent's duties in the pursuance of this section, or shall neglect or refuse to render accounts or present books or vouchers to the City Council or a committee thereof, it shall be the duty of the City Council to declare the office of such person vacant. The City Council shall order suits and proceedings at law against any officer or agent of the City who may be found delinquent or defaulting in keeping accounts or in the discharge of official duties, and shall make a full record of all such settlements and adjustments.

SECTION 39. The City Council shall have the power to acquire by purchase or by condemnation proceedings such private property or such public or quasi-public property as it may deem necessary to be taken for the public use of the City or any of the departments or boards thereof, for sites of public buildings and grounds to be used therewith: for streets and alleys and for the opening, extending, widening or straightening of any such streets or alleys, for park parkways, boulevards and public squares, for the laying, constructing, extending, improving, repairing or changing of sewers and drains, for the erection, extending, changing, or improving, repairing and protecting of electric light lines and poles and wires, and other property and instrumentalities used in connection therewith: for the construction, erection, improvement and protection of a water works system and an electric light system or either thereof, together with the necessary and proper lands for the sources of water supply, buildings, reservoirs, stand pipes, pipe lines, pole lines and every purpose which may be deemed by the city Council proper and necessary for the supplying of electricity and pure water to the City and its inhabitants, including the right to acquire dam sites, water power and flowage rights, and all property necessary to full improvement and proper use of the same. The right of eminent domain shall extend to and cover all territory and property within the County of Crow Wing and within the County of Cass and all other territory within fifty miles of the City of Brainerd; provided, however, that no dam site or water shall be purchased or acquired by condemnation proceedings for the purpose aforementioned without being so authorized by an affirmative vote of a majority of the electors of the City who shall vote upon such question or questions at an election called or held for that purpose, which question may be submitted at a special or general election.

And providing further that the City shall have all the rights and powers of eminent domain which are vested in municipalities under the common law and under the general statutes of the State of Minnesota.

That in all cases where the City or any department or body thereof shall exercise the right of eminent domain the procedure thereunder shall be the same as provided by the general statutes of the State of Minnesota, in such matters.

SECTION 40. The City Council shall have the power to designate such of its own members as shall be selected for that purpose as a purchasing committee, and after the appointment of such committee no material or supplies for the City or any department thereof shall be purchased without the approval of such committee, and no bill for any such purpose shall be allowed by the Council until approved by such committee; provided, a majority of such purchasing committee shall control its actions; and provided further, that the provisions of this section shall not apply to purchases made by, or in behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

AMENDED 5/6/85

SECTION 41. Any license issued by the authority of the City Council may be revoked by the City Council at any time after proper notice and due process. A license shall be revoked upon conviction of the holders of such license before any court for a violation of the provisions of any ordinance or state law relating to the exercise of any right granted by such license; and the court ordering or rendering a judgment of conviction, may upon the first conviction, and shall upon the second conviction, revoke such a license in addition to the penalties provided by law or by Ordinance. If the City Council shall revoke any license without a conviction as above provided, then and in such case the City Council may refund to the license holder the unearned portion of the license money."

SECTION FIFTEEN: That Sections 50, 51, 52 and 53 of Chapter Three of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER THREE

### FINANCES

"SECTION 42. The fiscal year of the City shall commence on the first secular day of January each year.

AMENDED 4/5/49

SECTION 43. Except as otherwise provided herein, all disbursements shall be made by warrants signed by the Mayor and countersigned by the City Administrator; unless otherwise provided herein, no warrant which is required to be signed by the Mayor and the City Administrator shall be drawn in payment of a claim until such claim shall have been allowed by the City Council; provided, however, that warrants may be drawn upon time-slips issued by the City Engineer in payment of the wages of such employees of the City as may have been laid off or discharged by the City. Every warrant shall specify the purpose for which it is made and the fund or funds against which it is drawn, and shall be made payable to the order of the person in whose favor it is issued. No warrant shall be issued or drawn against any fund or funds unless there be to the credit of such fund or funds sufficient money to pay the same, in addition to the total aggregate amount of all orders then outstanding against such fund or funds, as the case may be.

Any officer of the City violating any provision of this section shall be personally liable to the City for the amount of any payment made contrary to these provisions, and for any expense incurred by the City in recovering the amount of such payment. Upon payment of any warrant the same shall be immediately canceled and filed in the office of the City Administrator. The City Council shall provide for the examination of canceled warrants, bonds and other obligations of the City, during every annual audit, and at such other time or times as it may consider necessary, and for the preservation of such canceled warrants, bonds and other obligations, and making records of the same, as it may deem proper.

SECTION 44. Upon surrender to the City Administrator of any coupon representing interest due on any bond of the City, other than public utility bonds and bonds owned and held by the State of Minnesota under general statutes of Minnesota 1913, Sections 1875-1878, and amendments thereof, the same shall be paid, without allowance by the City Council, out of the proper fund by warrants otherwise conforming to the provisions of Section 43 hereof, and thereupon such coupon shall be marked "Canceled" and filed in the office of the City Administrator and the same shall be submitted by the Administrator to the Finance Committee of the City Council for audit at the first regular meeting of the City Council in the following month.

SECTION 45. Checks drawn upon a City depository in payment of warrants shall be consecutively numbered, signed by the City Administrator, and returned to the Administrator when paid."

SECTION SIXTEEN: That Subsections (1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (13), (14), (15) and (16) of Section 54 of Chapter Three of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

"SECTION 46. The City Council shall annually levy taxes to provide for the following specifically designated funds and the general fund:

No. (1). AN INTEREST FUND, for which there shall be levied a sum sufficient for the payment of the interest to become due during the following fiscal year upon all bonds, certificates of indebtedness and other interest bearing debts of the City, except public utility bonds and bonds owned and held by the State of Minnesota. Into this fund shall be paid all interest and penalties received on special assessments hereafter levied by the City for local improvements. Out of this fund such interest only shall be paid.

No. (2). A SINKING FUND, for the purchase or payment when due of any bond or other funded debt of the City, except permanent improvement revolving fund bonds.

No. (3). A PUBLIC SAFETY FUND for the maintenance and operation of the fire, police and health departments.

No. (4). A LIBRARY FUND comprising the taxes collected for the public library, as well as all moneys derived from donations, bequests and devices for the benefit thereof which fund shall be controlled and expended by and under the direction of the library board, and be disbursed upon warrants signed by its President, or Vice-President and Secretary.

No. (5). A PARK FUND, for the acquisition and maintenance of public parks, boulevards, playgrounds, baths, gymnasiums, halls and similar property for public recreation, convenience and amusement, including all moneys received from any source for any such purpose, which fund shall be controlled and expended by and under direction of the park board, and be disbursed upon warrants signed by its President, or Vice-President, and Clerk.

No. (6). A STREET AND SEWER FUND, for all expense of cleaning and repairing of streets, alleys and sewers not payable through special assessments or out of the permanent improvement fund.

AMENDED 4/4/33

No. (7). A PUBLIC PROPERTY FUND for paying the cost of any real property which the City may acquire, payment for which is not provided for in some other specific fund: and for paying the cost of acquisition or construction of public utility plants. Into this fund shall be paid all money derived from the sale of bonds issued on account of any public utility.

No. (8). A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys as shall devolve upon the City, under the provisions of Subdivision

(11) of this Section 46. For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed an amount producible from three (3) mills on the dollar of the then latest previous assessed valuation of such taxable property. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor. No part of this fund shall be used for any other purpose. In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years: provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paving Certificates of Indebtedness, and on every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by



appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.

AMENDED 4/4/33

No. (9). A PUBLIC UTILITY FUND, for the support, maintenance and operation of any public utility owned and operated by the City, including payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the operation of any such utility, 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 extension, operation, maintenance and repair of any such utility and the interest upon all bonds and other indebtedness which may be or become a lien thereof. At the end of every fiscal year any surplus in this fund not needed for any of the purposes hereinabove specified shall be transferred to the sinking fund provided for in Subdivision (2) of this section, and the amount so transferred shall be used, as far as the same will go, to retire any public utility bond then outstanding. If there be then no such outstanding utility bonds, the surplus shall be transferred to the general fund. In every year it shall be the duty of the Public Utilities Commission to inform the Sinking Fund Commissioners in respect of any public utility bonds to become due in the next succeeding year or years which should be retired by the use of the surplus so transferred to, the sinking fund, and of the respective dates of maturity thereof, and of the fact of such transfer and specify the particular bond or bonds to be retired, and thereupon the Sinking Fund Commissioners shall proceed accordingly before the time when the amount required to retire such bonds might otherwise be extended on the tax rolls. This public utility fund shall be under the control of the board in which is vested the management and control of the public utilities, and shall be expended only as directed by such board and upon warrants signed by the President, or Vice-President, and Secretary of the Board. On the first day of April of every year there shall be transferred from this fund into the general fund an amount of money equal to the annual interest on such public utility bonds of the City as are owned and held by the State of Minnesota under general statutes of Minnesota 1913 Sections 1875-1878, and amendments thereof, unless such annual interest shall have been earlier paid by the Public Utilities Commission, and it shall be the duty of that board to pay the same prior to the time when, pursuant to the statutes, the same might otherwise be extended on the tax rolls. The Public Utilities Commission of the City, as at present constituted, shall be vested with the control of this public utility fund, except as limited or qualified by the provisions of Section 109 of the City Charter; and upon acquisition by the City of any other and different public utility, such board shall become and be known as the Public Utilities Board of the City.

AMENDED 5/6/85, 2/3/92

No. (10). A CONTINGENT FUND in the sum of \$2500.00 shall be established at the beginning of each fiscal year for the use of the Mayor in paying expenses incurred by the mayor in promoting the best interests of the City and not payable out of any of the other funds herein provided. This fund shall be under the control of the Mayor, and checks may be drawn thereon without previous allowance by the City Council of the claim or claims for which any such check shall be drawn. The balance of said fund, if any, remaining at the end of each fiscal year shall revert to the City Treasury.

AMENDED 11/3/64, 12/17/01

No. (11). A PERMANENT IMPROVEMENT REVOLVING FUND. Except as provided in respect of other specific funds defined in this Section 46, or hereinafter otherwise declared in this particular subdivision there shall be paid into this fund all moneys received on special assessments heretofore or hereafter levied by the City for local improvements, and also all the proceeds of the sale of permanent improvement REVOLVING fund bonds. Out of this fund shall be paid, as they fall due, all permanent-improvement-revolving fund bonds and the installments on contracts for all such public improvements as are to be paid in whole or in part by assessments against property benefited thereby, except as hereinabove otherwise provided, and also excepting contracts for sewers, on which contracts for sewers payments shall be made in accordance with the provisions of Chapter 312, General Laws 1903, and amendments thereof. The City Council is authorized, in its discretion, to cause to be paved, re-paved or otherwise improved, any street or alley or any portion thereof in the City, or any gutter along side any street or alley, or any portion thereof, in such manner as it may direct. In the case of first paving or any other original or primary improvement, every lot or parcel of real property fronting or abutting thereon, and subject to special assessment for such improvement, shall be assessed for an amount equal to the cost of such first paving or other original or primary improvement on the same side of the street or alley to the center thereof: provided, that whenever the City Council shall deem any such first paving or other original or primary improvement to be generally beneficial to the public at large, the City Council may pay, or cause to be paid, thereon from the general fund an amount not exceeding twenty-five per cent (25%) of the cost and expense thereof, and assess the abutting property, as above defined, for the other seventy-five per cent (75%) or more of such cost and expense. In the case of repaving or other local improvement, of the kind hereinbefore mentioned, subsequent to the first, original or primary improvement of like character in any such street or alley, every lot or parcel of real property, then and there subject to special assessment for local improvements, fronting or abutting on any such re-paving or improvement subsequent to the first or original improvement of like character, laid or made on the same side of the street or alley, exclusive of street intersection, shall be assessed for an amount equal to two thirds of the cost thereof to the center of the street. All other expense or cost of such repaving or other local improvement subsequent to the first or original improvement, of the character above defined, shall be paid out of the permanent improvement fund, and in case of shortage in that fund the requisite sum shall be advanced and paid out of the general fund. To provide for the expense and cost of any such improvement, not payable out of the permanent improvement fund, the City Council shall, in due order, adopt special assessment rolls. The special assessments hereunder against abutting property shall be payable in ten (10) semi-annual installments, at

times when general taxes become due and payable according to law, and commencing with the first payment of such general taxes immediately after the time of adoption of any such special assessment may pay the entire amount thereof, or any remaining portion, at any earlier time.

No interest shall be imposed upon any such special assessment until the first Monday in January next following actual commencement of the work of improvement, for which the assessment shall have been adopted, where such work shall have been actually commenced subsequent to the first Monday in the next preceding month of July: and, in case any such work be actually commenced subsequent to the first Monday in January of any year, no interest shall be imposed upon the special assessment therefor until the first Monday in July of that year. Whenever, under such circumstances, the work on any such improvement shall have been actually commenced, it shall be the duty of the City Engineer, or other person superintending the work, to forthwith furnish the City Administrator with a statement in writing describing the particular work and showing such date of actual commencement thereof, and thereupon the city Administrator shall file with the County Auditor, and with the County Treasurer, respectively, the proper certificate of the City Administrator describing the particular improvement, specifying the rate of interest, and stating the date from which the same shall be computed, in accordance with the foregoing provisions. The County Treasurer shall collect such interest and pay the same over to the City Treasurer.

No. (12). A HYDRANT RENTAL, STREET LIGHTING AND ELECTRIC POWER FUND, to provide for payment to the Public Utilities Commission, or Public Utility Board, proper rent for water drawn from hydrants for the needs and use of the City and proper rates for the lighting of the streets and electric power for City use. For the support of this fund, taxes shall be annually levied by the City Council on all the taxable property in the city in an amount equal to a sum producible from three (3) mills on the dollar of the latest assessed valuation of such taxable property prior to the time of every such levy. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor. No part of this fund shall be devoted to any other purpose. The existing rates and prices, heretofore fixed or established by the City Council, for all water, electric lights and power needed or used by the City, shall be and remain in force and effect until changed or modified in accordance with the certain provisions hereinafter set forth. The City Council shall have and retain authority at any time to increase or lessen the number of hydrants from which water shall be drawn for City purposes, to extend or reduce the lighting of streets in any portion of the City and to vary the quantity of electric power to be used by the City, as well as to change or modify, enlarge or diminish, from time to time, such rentals, rates and prices, in its sound discretion: and it shall be the duty of the City Council to establish, keep and maintain all such rentals, rates and prices at all times fair, just and reasonable in amount: provided, that the City Council shall not at any time extend the street lighting or hydrant service beyond the amount of money available to any for such service, under the provisions of this subdivision.

No. (13). A GENERAL FUND, for the support of specific funds herein established, as occasion may arise, and also for the payment of such expenses of the City as the City Council may deem proper, and which are not payable out of a specific fund defined in this section. Into this general

fund shall be paid all moneys not payable into a specific fund, as directed .in and by other provisions of this particular Section 46, or under some other provision of the City Charter.

No. (14). AN EMERGENCY FUND for the emergency requirements of any of the foregoing funds heretofore established and in existence under this section, which may become depleted during the fiscal year. For the support of this Fund the City Council is authorized to annually levy against the taxable property of the City a tax in amount of a sum producible from not to exceed three (3) mills on the dollar of the then latest assessed valuation of such taxable property prior to the time of every such levy, provided that the estimate of the necessary expenses for the ensuing fiscal year, as set forth in Section (52) of the City Charter as heretofore amended, shall show a deficit in any of said funds, necessitating such assistance: and provided further that the vote of the City council authorizing a levy for this fund shall be unanimous, affirmative vote of the full and total membership of the City Council; and provided further that the transfer from this Emergency Fund for the support of other funds can only be made by affirmative vote of at least seven members of the City Council. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor."

SECTION SEVENTEEN: That Sections 55, 56, 57, 58, 59, 60, 61, 62, 62-A, 62-B, 62-C, 62-D, 62-E, 62-F and 62-G of Chapter Three of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

"SECTION 47. That annual amount to be levied for general taxation in any year for all said funds, shall not exceed the amounts as established by state statute. There shall be a levy of one-half mill on the assessed valuation of City taxable property over and above any Charter limitations and levy limitations pursuant to Minnesota Statutes 275.50 to 275.56 as amended, commencing for the levy year 1976 and continuing each levy year thereafter for a Community Action Program. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor.

AMENDED 4/4/33-11/5/74

SECTION 48. The City Council may appoint a board of Sinking Fund Commissioners consisting of three persons who shall be resident and qualified electors of the City. Such commissioners shall each execute to the City such bond as the City Council shall prescribe, and shall receive no compensation for their services. Such commissioners shall have charge of the sinking fund, and any two commissioners are authorized and required to discharge the trust and duties vested in the commission by this Charter, or by Ordinance, Resolution or direction of the City Council. It shall be the duty of the City Administrator to attend all meetings of said commissioners and to keep a correct journal of their proceedings, which shall be verified by at least two of said commissioners and attested by the Administrator, and all investments or other acts of said commission shall be based upon resolutions duly entered in said journals. The commissioners shall, by and with the consent of the City Council, invest the sinking fund in bonds or other obligations of the City,

issued pursuant to the Charter, or if such bonds can not be procured at reasonable rates, then in such other bonds as are permitted by law for the investment of the public school funds for the state of Minnesota: provided, that no part of such fund which shall be required to any obligations of the City shall be invested in bonds which by their terms mature at a date later than that on which such obligations will become payable. In case of investment in bonds or other obligations of the City, the same shall not be canceled, except when authorized by the City Council, but shall be held in the sinking fund, and the interest thereon shall be paid and applied to such sinking fund. All such sums not invested shall be deposited in the bank or banks designated as depositories of City money. Whenever any bonds of the City become due the commissioners shall, with the consent of the City Council, dispose of enough of the bonds then in the sinking fund, if any, as will, with the money then on hand, be sufficient to pay such maturing bonds, and shall pay the same, and the commissioners may, with the consent of the City Council, dispose of any bonds in which said fund may be invested, at such other times as is deemed for the best interest of said fund where the amount of such sinking fund, together with the interest thereon computed to the maturity of the City bonds, is sufficient to pay all of said bonds, the levy of the tax provided for in Section 47 for said fund shall be omitted or reduced, and the moneys otherwise devoted to this fund may be diverted to other funds, but whenever said fund shall, in judgment of the City Council, be insufficient to pay such bonds at maturity, such tax shall be resumed. The commissioners shall make a detailed report to the City Council at the first meeting in July of each year, and at such other times as the Council may require, and said reports shall show the condition of the sinking fund, the nature and value of all securities in which the same is invested, with a full description of such securities. Any tax payer or any owner of the bonds of the City may maintain, in a court of competent jurisdiction, any proper action or proceeding to enforce, upon the part of the City Council or sinking fund commissioners, compliance with the provisions of this section. Whenever, at the maturity of any or all the bonds of the City, said sinking fund shall not have money sufficient to pay the bonds so maturing, and whenever the City Council shall deem it advisable to take up any bonds not due, the City Council may issue other bonds of the City conforming to the requirements of this chapter, to run not exceeding thirty years, and in such amount as may be necessary to meet such deficiency, or to take up and refund such bonds if not due.

SECTION 49. The City Council may enact Ordinances or adopt Resolutions from time to time for the purpose of issuing and selling bonds of the City, as follows:

1. To refund any bond of the City.
2. To purchase, construct, extend, improve and maintain public utility plants. Bonds so issued and sold with reference to any particular plant named in any such Ordinance shall be a specific lien thereof.
3. To an amount not at any time exceeding the statutory authorized amount for the benefit of the permanent improvement revolving fund; provided, that at no time shall the aggregate amount of such bonds outstanding exceed the total of the money of this fund, the amount of special

assessments duly adopted and in process of collection and the proposed special assessments in preparation, based upon local improvements actually under construction.

4. For defraying the cost of making local improvements at intersection of streets and alleys, and in front of property by law exempt from special assessment and property owned by the City.

5. For defraying the cost of constructing or laying of any new general sewer, or the cost of extending, re-laying, improving and maintaining-any existing general sewer: and also for the cost of maintaining any existing general sewer; and also for the cost of maintaining and keeping in repair any general, district, joint-district or lateral sewer theretofore laid, re-laid or extended, pursuant to the provisions of Section 20 of Chapter 312, General Laws 1903. 6. For the purchase, erection, extension or improvement of needful public buildings.

7. For establishing garbage crematories or other means of disposal of garbage.

8. For changing, controlling or bridging streams or ravines and constructing and repairing bridges within the corporate limits.

No bonds except those mentioned in Subdivisions (1) and (3) of this section shall be issued or sold unless the City Council shall have the first been authorized so to do by a majority of the electors of the City voting thereon. Bonds issued and sold in accordance with the provisions of this section shall not be sold for less than par value and accrued interest, and shall bear interest at a rate not exceeding the amount allowed by statute. The bonded debt of the City shall not at any time exceed the amount allowed by statute, but in determining such indebtedness for the purpose of fixing such limit, bonds issued for the purchase, maintenance, extension, enlargement or improvement of water or lighting plants, or the acquisition of property needed in connection therewith, or for the creation or maintenance of a permanent improvement revolving fund, shall not be considered.

Before any bonds be issued, the City Council shall, at a regular meeting or at a special meeting called for the particular purpose, adopt appropriate resolutions by an affirmative vote of three-fourths of all its members ordering the issue, and every such resolution shall set forth the amount of the issue and the specific object thereof, be written at length in the records of the Council proceedings and be published and take effect in accordance with the provisions of Section 34 of the City Charter: provided, that where an election is required the resolution shall be published in the official newspaper once in each week for two successive weeks before the day of election. Upon authorization through such an election, in cases where an election by the electors of the City is requisite, the City Council may then issue bonds, not exceeding the aggregate amount mentioned in the proposition submitted to the electorate.

The denomination of all bonds, the place or places of payment thereof, the term or times of maturity, not less than one year nor more than thirty years from date of issue, and the rate of interest, payable semi-annually, shall be determined and expressed by the City Council. Every such bond and the coupons accompanying the same shall be signed by the Mayor, countersigned

by the City Administrator and attested by imprint of the corporate seal, and be payable to bearer or to order of the purchaser, in the discretion of the City Council, and thereupon the City Council shall have authority, after a majority vote of all its members, to sell and dispose of the bonds in such manner as in the judgment of the Council will best serve the interests of the City, but shall not negotiate the same, nor dispose of or sell any thereof except at a definite time and place specified in a proper resolution of the Council, which resolution shall be spread upon the records of the Council and be published in the official newspaper of the city at least two weeks before the date of any such sale.

SECTION 50. It is hereby made the duty of the County Auditor of Crow Wing County, Minnesota, to keep accounts so as to show at all times the amount of money received for the City in the collection of taxes and special assessments, specifying all such taxes by the respective years for which they were levied and the respective portions thereof which are for interest and penalties, and specifying all such assessments by roll or contract numbers, as the same are certified to the auditor by the proper City officials. It is also hereby made the auditor's duty, in the months of April, July and November, respectively, in every year, or as soon thereafter, at the different items, as tax assessments shall have been completed, to draw warrants on the County Treasurer of said county for the taxes belonging to this City, and for all special assessments belonging to this City; and upon due presentation of the same to the County Treasurer, the County Treasurer shall pay the same out of the moneys representing or constituting such taxes and special assessments, respectively. The County Auditor shall at the time transmit to the County Treasurer a statement showing the separate amounts so paid over on account of such separate local improvements. No county official shall have any authority to refund, reduce or abate any special assessment, interest or penalty.

Whenever, previous to any of the settlements provided by law, there shall be a lack of funds in the City Treasury for any purpose, and there shall be funds in the County Treasury which shall have been collected on account of City taxes or assessments, the County Treasurer shall, on application of the City Administrator, advance and pay over such funds as shall be estimated to be the amount collected on account of such City taxes or assessments, and such advance shall be accounted for and adjusted at the next regular settlement with the City. The City Administrator shall forthwith, after receiving any money from the County Treasurer, adjust and apportion the funds so received or advanced among the several City funds.

SECTION 51. Whenever the expense and obligations incurred, chargeable to any particular fund in any fiscal year, are sufficient in the aggregate to absorb eighty per cent of the entire amount embraced in the tax levy for that year, together with eighty per cent of the amount estimated to be received by said fund from other sources, including such amount as may remain in the fund from the levy of any previous year, no officer, board or official body of the City shall have any power to create any additional indebtedness (save as the remaining twenty per cent of said tax levy is collected) which shall be a charge against that particular fund, or which shall be in any manner a valid claim against the City, but said additional indebtedness attempted to be created shall be a personal claim against the officer or members of the municipal board or body creating the same.

SECTION 52. On or before the first day of September in every year, the President of the City Council, the Chairman of the Finance Committee of the Council and the City Administrator shall submit to the City Council an estimate of the probable expenditures of the City government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and specifically showing the various amounts necessary for each and every fund, including an estimate of the total income from all sources of revenue other than taxes upon property, and the probable requisite amount to be levied and raised by taxation to defray all such expenses and liabilities of the City. Thereupon, the City Council shall, not later than the date in accordance with state statute, determine the sum to be raised by taxation, and make apportionment in detail for the ensuing fiscal year, and shall by resolution levy a tax therefor, and no tax shall be invalid by reason of any informality in the manner of levying the same. The City Council shall, not later than the date in accordance with state statute, transmit to the county auditor of Crow Wing county a statement of the taxes so levied by it, and the proper county officials shall thereupon collect such taxes and enforce payment thereof in the same manner as state and county taxes are collected and payment thereof enforced. In determining the amount to be raised and making apportionment thereof, the City Council may reduce or omit any item in the estimate submitted, or otherwise modify or correct any such estimate, but shall not otherwise originate a budget. Every such levy of taxes shall be so itemized as to show, separately, the amount of taxes to be collected for each and every fund designated in section 46 of the City Charter. As soon as every such tax estimate shall have been completed, the City Administrator shall open in proper books a separate and distinct account for every one of the several divisions of taxes shown in such tax estimate, and the Administrator shall keep on account, separate, accurate and complete in respect of each and everyone of the several funds, numbered (1) and (14) inclusive as defined in said Section 46, all in such manner and with details of dates, sums, names and other requisite items, sufficient at all times to show the amount of money received by him for the credit of every such fund, whence received, the various payments therefrom, and to whom and for what purpose paid out. Whenever the County Treasurer shall pay over to the City Administrator any taxes belonging to the City, collected under any such levy, the City Treasurer shall credit every one of the respective funds and accounts with its proportionate amount of receipts, according to the tax estimate of the particular fiscal year for which such estimate was made. The City Administrator shall, at the first meeting of the City Council in every month present to the city council an itemized report of the financial transactions of the City in and for the preceding month, showing in detail the receipts and disbursements during said month, specifying the particular fund, in every instance, for and from which any money was received or disbursed and the amount remaining in every one of the funds at the end of such month.

No money collected on account of assessments shall be paid out by the City Administrator except for assessment work. The money received from the County Treasurer on a tax levy based on a tax estimates shall be applied and used only to defray the expenditures, together with the arrearages due and unpaid, in respect of the specific object for which such estimate was made and such taxes levied. Except as otherwise provided in the City Charter, the excess of any year's receipts in any fund over and above expenditures or disbursements therefrom shall be carried in the same fund for the succeeding year, and such excess shall be considered in making subsequent



apportionment, and no fund shall be thereby, or otherwise increased beyond the amount allowed by this Charter.

SECTION 53. The City Council may make and file, or cause to be made and filed, in the office of the City Administrator, one day prior to the first Tuesday after the first Monday in May of every odd-numbered year, a report or statement, to be known as the Claim Statement, showing every outstanding claim against the City at that time, not including bonds, certificates of indebtedness or judgments against the City, which said claim Statement shall be full and complete, with details of names, dates, amounts, nature of claim and other matters sufficient to exhibit the true history and condition of every item in any and every such outstanding claim. Every person or party having such a claim, not earlier filed, shall be notified to file the same with the City Administrator on or before the last Monday of April in every odd-numbered year, by an advertisement once in each week for two successive weeks in the official newspaper, under the direction of the City Council, the first publication thereof to be at least three (3) weeks prior to the time fixed for the filing of such Claim Statement. Every such Claim Statement so filed shall be presented to the incoming City Council at its first regular meeting in the month of May in every odd-numbered year.

SECTION 54. The Mayor, President of the City Council and the Chairman of the Finance Committee of the Council shall constitute the Board of Equalization, be sworn as such according to law, and such board is hereby vested with all the powers which are or may be vested in the County Board of Equalization and town boards of review under the general laws of the state, as far as applicable. Such board shall organize by electing from their number a President and Secretary, and shall keep a full record of its proceedings, meet at the regular meeting place of the city council on the date or dates as coordinated with the County Assessor, and thereafter from day to day or from time to time until completed, to review, amend and equalize the work of the City assessor. It shall be the duty of the City assessor to be present at all meetings of the City Board of Equalization and the County Board when such County Board shall be considering the assessment of property within the City, and to give said boards all facts and information within the City assessor's knowledge which may aid them in the performance of their duties. The City Administrator shall act as Clerk of said Board of Equalization. Every person aggrieved by an assessment shall have the right to appear before such City Board, in person or by attorney, and present such grievance for its consideration. The assessment rolls shall be revised in accordance with the decision of the board, and after the same shall have been certified by the President and Secretary of the Board, shall transmit to the County Auditor such revised assessment rolls not later than the first Monday in July: and, unless otherwise provided, the assessor shall proceed under the general laws of the state.

AMENDED 11/2/54

SECTION 54-A. Every officer collecting or receiving moneys belonging to or for the use of the City shall settle for the same with the city Administrator on or before the last day of every month, or oftener, if so directed by the City Council, and immediately pay all money into the City Treasury for the benefit, of the funds to which such moneys shall severally belong. When

the last day of the month falls on Sunday or on a legal holiday, such payments shall be made on the next preceding business day.

SECTION 54-B. The City Council shall designate a bank or banks within the State of Minnesota to be a depository or depositories of moneys of the City in accordance with state statute. Every bank so designated shall give to the City a security bond conditioned for the safekeeping and prompt payment of such deposits, and of the interest thereon, or may in lieu thereof deposit securities as provided in Section 98, General Statutes of Minnesota 1913. All moneys coming into the hands of the City Administrator shall be deposited by the Administrator in the bank or banks so designated, substantially in the proportions specified in the different contracts and within the limits which may or shall be stated in the various bonds to be given or covered by the amount of the securities deposited in lieu thereof, and the Administrator shall not be liable for the loss of any money so deposited or the interest thereon; but in no case shall payments be postponed or deferred, after the same shall have become due, in order to obtain additional interest on such funds. All the terms and conditions of deposit shall be set forth in the resolutions designating the several depositories, which resolutions shall be filed with the City Administrator, and all interest accruing upon such deposits shall belong to the City.

SECTION 54-C. At the end of every month the City Administrator shall make a statement to the City Council of the total amount of interest on public funds received by the Administrator during the month, and such interest shall be placed to the credit of the several funds from which it shall have accrued.

SECTION 54-D. No limitation or restriction herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be entered and docketed against the City, but in case of any such judgment the City Council shall, at the time of making the first annual tax levy subsequent to the final rendition of such judgment, levy and assess a special tax upon all the taxable property in the City sufficient to pay such judgment. In case of failure to collect taxes, or if, for other causes, such levy or the proceeds thereof shall prove insufficient for the payment of such judgment, new taxes shall be levied and collected until the whole of such judgment be paid. Any excess of the amount so levied and collected over the amount required to pay such judgment shall go into the general fund of the City.

SECTION 54-E. Whenever a claim against the City be disallowed in whole or in part, the claimant may appeal from the decision of the Council to the District Court by causing written notice of such appeal to be filed with the City Administrator within ten days after the decision be made, and giving security for costs, to be approved by the Administrator, and the Administrator shall forthwith notify the City Attorney of the fact of such appeal. When any claim be allowed, no warrant shall be issued in payment of the same until ten days after such allowance. Within such period of ten days, the City Attorney may, and upon written demand of ten resident tax payers of the City shall, take an appeal from such decision to the District Court in the manner above provided, except that when an appeal be taken in behalf of the City neither the City nor its attorney shall be required to furnish any bond on such appeal. Whenever any appeal be taken on the demand of taxpayers, such taxpayers shall be liable for the costs of the appeal in case the

decision of the Council be affirmed, and at the time such taxpayers make demand for such an appeal they shall file with the City Administrator their proper bond, to be approved by the Administrator, to secure the payment of such costs. In the event of any such appeal, the proceedings and trial shall be similar to those provided by law in the matter of appeals from the County Board in like matters. The word or term "claim", as used in this section, shall be construed to mean a claim presented for audit, and not a claim for salary of an officer or employee or other fixed charge against the City.

SECTION 54-F. Every amendment herein proposed, including the proposed amendment of Section 5 of the City Charter, shall take effect and be in force from and after the date of its adoption.

SECTION 54-G. There shall be a levy of one-half mill on the assessed valuation of City taxable property over and above any Charter limitations and levy limitations pursuant to Minnesota Statutes, Sections 275.50 to 275.56, as amended, for the 1982 levy collectible in 1983 and continuing each levy year hereafter, for the establishment and maintenance of a program for the benefit of senior citizens or to subsidized non-profit senior citizens organization. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor.

AMENDED 9/14/82

SECTION 54-H. There shall be a levy of 1/2 mill on the assessed valuation of taxable property in the City commencing at the earlise levy year after adoption of this amendment and continuing each levy year thereafter for the Northland Arboretum and Paul Bunyan Conservation Area. Before funding from the City is transmitted, an annual financial statement for the prior fiscal year shall be provided by the Northland Arboretum and Paul Bunyan Conservation Area to the City Council showing revenues and expenditures to ensure proper use of funds. The value of the mill levy shall be converted to a tax rate percentage by using a formula as established by the Minnesota Department of Revenue and calculated by the County Auditor."

ADDED 12/17/01

SECTION EIGHTEEN: That Sections 63, 64, 65, 66, 67, 68, 69 and 71 of Chapter Four of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER FOUR

### POLICE DEPARTMENT

"SECTION 55. The Mayor shall have control and supervision of the police of the City. The Mayor shall be and with the consent of the City Council appoint all police officers and watchmen. No person shall be eligible to an appointment as a police officer who is not certified by the State of Minnesota.

SECTION 56. The Mayor may likewise at the request of any person, firm, corporation, society or organization, appoint police officers or watchmen who shall serve without expense to the City and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in each appointment, but such limited police officers or watchmen shall not exercise any authority nor wear any badge of office outside the limits named in such appointments.

SECTION 57. In case of riot, disturbances or large public gatherings or anticipation thereof, the Mayor may appoint such special or temporary police officers as the Mayor may deem necessary, but such special or temporary appointments shall not continue more than one week without the consent of the City Council.

SECTION 58. The Mayor shall in the appointments designate one officer to be Chief of Police, and such other officers for the performance of special duties and with such control over other officers and watchmen as may be deemed necessary, and may designate the rank of such police officers by such proper title as he shall seek.

SECTION 59. All police officers of the City shall possess the powers of constables at common law and by the laws of the state of Minnesota, and in addition thereto shall have the power and it shall be their duty to execute and serve all warrants, process, commitments whatsoever, issued out of a court of jurisdiction, and all notices and orders issued by the City Council or any officer thereof: and they shall have the power with the consent and by the direction of the Mayor or Chief of Police to pursue and arrest any person fleeing from justice in any part of the state, but in no case shall they go outside of the limits in pursuit of any offender or to execute any warrant except in cases of offenses committed within the City. They shall also have power and it shall be their duty to serve all summons and subpoenas in behalf of said City within their jurisdiction. When such officer performs the duties of constables within the City for private parties the City shall be entitled to like fees for their services to be taxed and collected in like manner.

SECTION 60. The Mayor shall with the consent and approval of the City Council from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof as the Mayor may deem necessary and in like manner alter the same. Such regulations may designate the uniforms, badges, arms, discipline, drill and exercises of the police force, as well as the conduct of the officers of said force when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

SECTION 61. The Mayor, or Acting Mayor, Chief of Police, the Sheriff of Crow Wing County and deputies, the coroner, and each and every Alderman, and all police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the City limits, and for such purpose may command the assistance of all by-standers and if need be, of all citizens and military companies, and in cases when the civil authorities may be required to suppress riot or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SECTION 62. If any person shall without authority assume to act as a police officer or to pretend to have such power or wear the badge of a police officer within said City, such person shall be deemed guilty of a misdemeanor."

SECTION NINETEEN: That Sections 72, 73, 74, 75, 76, 78 and 81 of Chapter Five of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER FIVE

### FIRE DEPARTMENT

"SECTION 63. The City Council, for the purpose of guarding against the calamities of fires, shall have power to prescribe the limits within which wooden or buildings of all other materials that shall not be considered fireproof, or which shall be regarded as dangerous to the surrounding property shall not be erected, placed or repaired and to direct that all and any buildings within the limits prescribed shall be made and constructed or repaired of fire-proof materials, or of such materials and with such precaution against fire as the City Council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent or more of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages. The City Council shall have power by resolution to order any building, structure or materials hereafter erected or in the process of erection or remaining portion of the building damaged by fire, of which the construction or materials may be dangerous to surrounding property to be taken down and removed beyond the fire limits of the City, and shall have the power to prescribe the notice to be given to the owner or agent to remove such building or materials; and in case the same is not removed in pursuance of the notice given, or in such manner as the City Council may see fit, to cause such buildings or materials to be so removed beyond the fire limits: and the City Council may prescribe the penalties for the violation of any of the provisions of this section.

SECTION 64. The City Council shall have power to prescribe in what manner and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus, used in and about any building and to cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes into the streets, highways and alleys, to compel the use of spark arresters in all smoke stacks connected with apparatus where light fuel is consumed, to regulate and prevent the carrying on of manufactures dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fireworks and firearms. To regulate and prevent the sale or keeping for sale or use of any fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances or materials, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to provide fire buckets, and to have scuttles in roofs and stairs and ladders to the same, and compel owners of buildings three (3) or more stories in height to maintain ladders or fire escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them when they shall be dangerous to other buildings, and to make any other provision to guard against fires, or to prevent the spreading of fires, which the City Council may deem proper.

SECTION 65. The City Council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose

houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.

SECTION 66. Whenever the City Council may decide by a two thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, two-thirds of all members voting in the affirmative, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next section, provided, however, said section shall not apply to volunteer companies of said city.

SECTION 67. In the event of the creation of a paid department the City Council shall appoint a Fire Chief of said fire department, and provide for such other officers and employees as may be deemed necessary for such department.

SECTION 68. The City Council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings to be prohibited, and apparatus to be given up. The Council shall have power and authority to make by Ordinance all needed rules for the government of the fire department and for the protection and use of all engine houses, telegraph lines and other property and apparatus pertaining thereto, and of the water works mains, pipes, cisterns and hydrants in the City as used in connection with the department. The Council may also by ordinances provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by ordinances make provision to keep away from the vicinity of any fire, all idlers and suspected persons and to compel all bystanders to aid in the preservation of property exposed to danger by such fire.

SECTION 69. If any person shall, at any fire, refuse to obey the orders of the Chief of the fire department, or other officers vested with authority at such fires, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before a court of the jurisdiction, shall be punished by a penalty not exceeding statutory limitations."

SECTION TWENTY: That Sections 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 of Chapter Six of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER SIX

### STREETS

"SECTION 70. The City Council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the City, and may lay out and open new streets and alleys, and extend, widen and straighten the same, and may build, maintain and repair bridges across streams or railway tracks, may provide for the pavement of gutters or the road-bed of any street or alley.

SECTION 71. The City Council shall have the power to establish the grade of any street when such grade has not been established, and may by a vote of two-thirds of all the members of the Council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the City Engineer.

SECTION 72. The City Council may by a vote of two-thirds of the members thereof, vacate any highway, street, lane, or alley, or portion of either, and such power of vacating highways, streets, lanes and alleys within the City of Brainerd is vested exclusively in the City Council and no court or other body or authority shall have any power to vacate any such highway, street, lane or alley.

SECTION 73. The City Council shall have power to designate districts or portions of the streets and alleys of the City for the purpose of cleaning the same, and may provide for the cleaning of such districts by a contract on such terms as shall be deemed advisable.

SECTION 74. All work done or constructions made pursuant to the provisions of this title, shall, save making, changing and repairing streets, alleys and sidewalks, be let by contract pursuant to statute and the City Council may require of the bidder a bond with sureties for the faithful performance of the contract. Due notice shall be given of the time and place of letting such contract; provided, that if in the opinion of the City Council no just and reasonable bid shall have been received for any such work, after due notice is given, or if the person to whom the same is let fail in any particular to duly perform the same, the City Council may, by a two-thirds vote, have such work done without contract by the direct employment of labor and purchase of material by the City: and provided further, that all work done by the City by the direct employment of manual labor, whether for the purpose mentioned in this section, or for any other purpose, be by the day.

SECTION 75. Whenever the City Council shall determine to lay out or open new streets or alleys in said City, or to widen, straighten or extend any that now exist or may hereafter exist, it may, for such purposes, purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property by reason of such improvement, and the expense of making such improvement by assessment, levying and collecting the whole



expense of such improvement, or parts thereof, as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation. No assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvement shall exceed the benefits accruing therefrom to any specific property, the excess of such expense shall be made a general City charge, and be paid as current expenses of the City.

Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place, and occupied for such purposes, without the consent of the owners of such ground.

SECTION 76. It is hereby made the duty of .all owners of land adjoining any street, lane or alley in said City, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed, or shall hereafter be constructed, or directed by the City Council to be built, and of such material and width, and upon such places and grades as the City Council may by ordinance or otherwise prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Brainerd shall be constructed or re-constructed, it shall by resolution direct such construction or re-construction, specifying the width thereof, and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each along each owner's respective land, construct and fully complete such sidewalks within two (2) weeks after the publication of such resolution as aforesaid, the City Council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as provided for the collection of special assessments under the provisions of Section 75 of this Charter. And the City Council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same and all street crossings to be built by the City, or upon contract or by any other person as the council may determine.

SECTION 77. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the City Engineer to immediately repair the same in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and carefully preserved by the City Administrator. And the City Council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly City taxes, assess and levy upon each of the parcels of land fronting or abutting upon sidewalks which have been repaired by the City, the cost of making such repairs. In each case such assessment for all such repairs within the year may be combined in one assessment roll and be collected as provided for in other special assessments in this Charter. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such

rebuilding, it shall be the duty of the City Engineer to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed, and collected with the assessment for such reconstruction.

SECTION 78. It shall be the duty of the City Council, before ordering the construction of any new sidewalk, to cause ground on which is to be built to be properly graded.

SECTION 79. All persons who shall by means of any excavations in, or obstructions upon any street of said City, not authorized by law or the Ordinances of said City, render such streets unsafe for travel, or shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guard or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said City for such damages, unless such person or persons shall be joined as parties defendants, and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the City shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the City shall pay such judgment it shall become the owner of the same and may enforce the payment of the same from the other defendant or defendants, and shall be entitled to execution therein against the owner or the owners and to take such other proceedings as judgment creditors are entitled to take.

SECTION 80. Whenever any party is joined with said City as co-defendants, in any action for the insufficiency or defective conditions of any street or sidewalk as provided in the last section, and such a party is not a resident of, and cannot be found within the state, service of summons in such action may be made upon such defendants upon like evidence and in the same manner as prescribed by general law for service by publication in other sections.

SECTION 81. No railway company or street company shall have any right in cleaning their tracks through any part of the City or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in the City. Any such company shall be liable to any person who shall be injured by means of any obstruction caused by the company or its servants for all damages sustained. And in case any damage shall be recovered against the City for injuries caused by such obstruction the City shall have the right to recover the same again from the company by whom the obstruction was caused.

SECTION 82. Whenever any person shall subdivide any lot or piece of ground within the City into building lots for the purpose of selling the same, or any part thereof, the person shall cause the same to be surveyed and platted in accordance with the provisions of the general laws of the state of Minnesota, and when the survey and plat are so completed and acknowledged, it shall be presented to the City Council, and a copy thereof furnished to the City Engineer. The City Council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient.

When any plat is accepted by the City Council, the City Administrator shall so certify upon the face of such plat, when it may be recorded in the same manner and with the same effect as provided by the general laws of the state of Minnesota relating to the making and filing of plats shall, except as herein otherwise provided, be applicable to the City. No person shall be entitled to any damage for the laying out or extension of any street or alley over any lot or parcel of land sold or offered for sale contrary to law.

SECTION 83. The acceptance of such plat or addition of any ground, either within or outside the limits of said City, shall not make the City liable to grade the streets therein designated, nor responsible for any insufficiency of such street, until the City Council shall direct the same to be graded and opened for travel.

SECTION 84. Whenever the City Council shall determine to cause to be paved, re-paved or macadamized any street, lane or alley in the City, or any gutter or gutters along such street, lane or alley, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the improvements, and the material to be used therein, and thereupon it shall be the duty of the City Engineer to make, and present to the City Council an estimate of the cost of such improvements, stating therein the proportion of such estimated costs which shall be required to construct such improvements in front of abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys, and in front of lands not subject to assessment; also a list of the several lots or parcels of land fronting upon such proposed improvements, with the number of front feet of each extending along such improvements, and the names of the owners of the several parcels as nearly as the City Engineer can readily ascertain the same. A brief minute of the reception of such reports shall be made and published in the record of the proceedings of the City Council, which shall be held to be sufficient notice to all persons concerned: and such report shall lie over without any assessment being made until the next regular meeting of the City Council which shall occur at least one (1) week after the reception of such report: but the City Council in its discretion, may direct the City Engineer to advertise for and receive in the meantime, bids for doing the work and furnishing the materials required to construct and complete such improvement, and report the same to the City Council at the meeting of the City Council to which such report is laid over, or at any subsequent meeting. The City Council may consider such estimate and list, and any further communications from the City Engineer respecting the matter, and under such rules as it may make, shall hear the persons interested in the matter of such improvements, who may desire to be heard, and the Council may adhere to its resolution of making such improvements, or may modify the character of the same, or abandon it. If the City Council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements, and the proportion or amount of such costs, which is required to construct such improvements, opposite to or in front of the lots and parcels of land described in the list so made by the City Engineer, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements, and the City Council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following or any other form which the City Council may deem proper:

"The City Council of the City of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expense \_\_\_\_\_ of in the City of Brainerd along \_\_\_\_\_ and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

Name of Owner if known	Description of Lands	Lot	Block	Amount: Dollars, Cents
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Done at a meeting of the City Council, this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_\_\_\_.

ATTEST,

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
President of the Council."

SECTION 85. Whenever the City Council shall have ordered the construction of any sidewalk and the owners of the land along which such sidewalk is to built shall refuse, or, for a space of two (2) weeks, neglect to construct the same according to the order of the City Council, the City Engineer shall report to the City Council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels; such estimates shall not be binding upon the City Council, but advisory merely, and the Council may obtain any other information as to such cost, and the Council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land, and thereupon the City Council shall assess and levy upon and against such lot and parcel of land, so reported (after correcting mistakes, if any) along which said sidewalk has not been built, such sums as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the City Council may adopt:

"The City Council of the City of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of \_\_\_\_\_ a sidewalk along the \_\_\_\_\_ side of from \_\_\_\_\_ to in accordance with a resolution of the City Council, passed the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_. The amount assessed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land \_\_\_\_\_

Name of Owner if	Description of Lands	Lot	Block	Amount:
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known

Dollars, Cents

Done at a meeting of the City Council, this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_\_\_\_.

ATTEST,

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
President of the Council."

SECTION 86. Assessment for repairs of sidewalks may be in the following form or any other form which the City Council may adopt:

"The City Council of the City of Brainerd doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of repairs of sidewalks fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper commissioner since the day of \_\_\_\_\_ A.D. 19\_\_\_\_. The amount assessed against and levied upon each of said lots and parcels of land, is the actual cost of repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioner.

Name of Owner if known	Description of Lands	Lot	Block	Amount: Dollars, Cents
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Done at a meeting of the City Council, this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_\_\_\_.

ATTEST,

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
President of the Council."

SECTION 87. If any special assessment heretofore made by the City Council, or under its direction, to defray the expense of any local improvement, has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the City Council shall be satisfied that any such assessment is so irregular or defective, that the same cannot be enforced and collected, or if the City Council shall have omitted to make such assessment at or before the making of such improvement, the City Council shall anew, or thereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as to it shall seem sufficient; and the City Council may then proceed to cause a new assessment of the

cost of such local improvement to be made as herein provided, either upon the property fronting upon such improvements, according to the character of such improvements, following as near as may be the provisions of the City Charter in force at the time of making such improvements in determining the property to be assessed, and in case such second assessment shall be annulled, the City Council may proceed to make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in case where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the City Administrator shall note thereon against any piece of land upon which a former assessment for the same improvement has been made, the words, "paid on former assessment", which shall cancel such assessment on that parcel.

SECTION 88. The City Administrator shall record all assessment rolls of special assessments, in books to be by the City Administrator kept for that purpose, and shall on the date prescribed by statute, deliver to the County Auditor of said Crow Wing county, all such assessment rolls theretofore recorded, and the County Auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced. Such assessments when collected, shall be paid over by the County Treasurer to the City Administrator, together with all costs, penalties and interest collected thereon at the time of making payment of City taxes to the City Administrator.

SECTION 89. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment, shall affect the validity of the same where the assessment roll has been adopted by the City Council. And the assessment roll, and the record thereof kept by the City Administrator, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this Charter. And no failure of the City Administrator to record the assessment roll, or to deliver the same to the County Auditor on or before the time prescribed for such delivery, or to do any other act or thing required of the Administrator, shall in any way invalidate any assessment, and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material unless it be clearly shown that the party objecting-was materially injured thereby.

SECTION 90. In case any special assessment shall, in any suit where its validity shall be questioned, be adjudged invalid, the council may, in its discretion, notify the County Auditor to cease the collection of the same, if it shall have been transmitted to the auditor for collection, and may proceed anew, by proceedings either as in the case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid. The City Administrator before delivering such new assessment to the County Auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessments for the same purpose: which notation shall cancel the assessments as to the parcels

and lots on which such payments were made, to the extent of the payments. Such new assessments shall be collected in the same manner as the original special assessments.

SECTION 91. No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be more than the amount required for such improvement, the balance shall be repaid to the property owner on proof of ownership. It shall not be necessary that words be written out in full but abbreviation, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this Charter.

SECTION 92. It shall require a two-thirds (2/3) vote of the members elect of the City Council to determine, in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority shall suffice. But this restriction shall not apply to any subsequent act of the Council touching such improvement, or the special assessment to provide means therefor.

SECTION 93. Any improvements, the means; to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way or directly by the City, by the employment of labor and purchase of material, or in any other manner in which the City Council may deem proper in each particular case. And the City Council may, in its discretion, in any case, instead of causing a special assessment to be made entirely upon estimates, as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment.

SECTION 94. The City Council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or wait the collection of such assessment.

SECTION 95. When any such street improvement has been ordered and such assessment has been levied therefor, and when a majority of such assessments in number and amounts have been paid, it shall be the duty of the City Council to forthwith cause such improvements be made.

SECTION 96. After any special assessment roll shall have been adopted by the City Council and before the same shall have been delivered to the County Auditor for the collection, any assessment thereon may be paid direct to the City Administrator of said City: and upon the production of the City Administrator's receipt therefor to the City Administrator, the Administrator shall enter upon such assessment roll, opposite the assessment so paid, the words, "Paid to the City Treasury," which entry shall cancel the assessment so paid.

SECTION 97. Nothing herein shall interrupt or interfere with any assessments which have been heretofore made but the collection thereof shall go on according to the provisions of the Charter of said City in force at the time of making such assessments.

SECTION 98. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvement chargeable to or assessed against the property under this Charter, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

SECTION 99. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship and the payment of the assessment would create a further financial hardship.

The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualification of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the Administrator shall notify the County Auditor who shall record a notice of the deferment with the County Recorder setting forth the amount of the assessment.

A hardship shall be deemed prima facie to exist when all of the following apply:

A. The applicant, his spouse and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.

B. The special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.

C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.



D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable preference or advantage over other applicants.

The option to defer payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:

- A. The death of the owner when there is no spouse who is eligible for deferment;
- B. The sale, transfer, or subdivision of all or any part of the property;
- C. Loss of homestead status on the property;
- D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
- E. Failure to file a renewal application within the time prescribed in this section."

AMENDED 7/5/88, 11/7/88, 9/19/94

SECTION TWENTY-ONE: That Sections 123, 124 and 125 of Chapter Nine of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER SEVEN

### SEWERS

“SECTION 100. Chapter 312 of the general laws of the state of Minnesota for the year 1903, approved April 21, 1903, is hereby adopted and made a part of this City Charter the same as though repeated at length herein, subject to the following provisions which are added thereto.

SECTION 101. All of the preliminary expenses of establishing any sewer district including the charges of the City Engineer and expenses in laying out such district and in surveying and estimating the cost of sewers, shall be advanced and paid from the improvement fund, and shall be specifically assessed against abutting and benefited property as in said law provided, and when paid shall be returned to the improvement fund.

SECTION 102. If any sewer warrant or bond issue under the provisions of Section 11 of said chapter 312 shall not be fully paid at its maturity, then it shall be the duty of the City Council within one year after such maturity to pay the unpaid balance of said warrant with interest thereon from the improvement fund, and on such payment of the warrant so paid shall be surrendered to and become the property of the City and the City shall be subrogated to all the rights of the holder of such warrant, and shall receive all unpaid assessments, interest, penalties and costs thereon; and the same when paid shall be returned to such improvement fund. The obligation so assumed by the City shall not be considered in estimating the bonded indebtedness or other indebtedness of the city."

SECTION TWENTY-TWO: That Sections 131, 132, 133, 134, 135, 136, 137, 138 and 139 of Chapter Eleven of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER EIGHT

### PUBLIC UTILITIES COMMISSION

"AMENDED 5/6/85

SECTION 103. The Public Utilities Commission shall control, operate and manage the water works plant and business, and the electric light plant and business, and all other public utilities which are now or may hereafter be owned by and operated within said City.

SECTION 104. Such commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the commission.

SECTION 105. The Secretary of the commission shall attend all meetings of the Commission and keep a record of all proceedings. The Secretary shall be the collector of all moneys which may be due or coming to said Commission or the City, on account of water rentals, light rentals, power rentals and otherwise on account of water, light or power furnished. The Secretary shall be the bookkeeper of said commission and shall keep books fully showing the names of all patrons consumers of water, light and power, and the amounts from them severally due, also all moneys collected, from whom collected and the several amounts thereof: and also all purchases made by the Commission and all labor employed, and all money due and paid on account thereof. Said Secretary shall from day to day pay into the City Treasury all moneys so received, and shall receive from the City Treasury receipts therefor, which receipts shall be in duplicate, one copy of which shall be filed with the Commission and the other filed with the City Administrator. Said secretary shall at the end of each month, or within three days thereafter, make a report fully showing the receipts and disbursements during the last month, which report shall be in duplicate, one copy of which shall be filed with said commission and the other filed with the City Administrator.

The said Secretary shall give such bond as the board may require and approve, such bond to run to the City of Brainerd and to be conditioned that the Secretary will faithfully perform all the duties of the office as Secretary of the Public Utilities Commission, and that the Secretary will account for and pay over all money and property coming into the Secretary's possession. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.

SECTION 106. The Commission shall have power to appoint and employ all necessary help to properly perform its duties and to fix their compensation subject to the approval of the City Council as provided for in Section 109 of the City Charter.

AMENDED 4/4/33

SECTION 107. The Commission shall have power to fix all rates and compensation to be paid by consumers of water and electric light and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.

SECTION 108. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings: nor shall any water main be ordered or extended unless the City Council shall so order the same by a resolution passed by a majority vote of all its members.

SECTION 109. The Commission shall, at the first meeting of the City Council, in December of each year, present a budget for the following year, which budget shall set forth all expenditures that can be anticipated for the operation of the commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for such commission to make such expenditures. The commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the city Council either as a part of said budget or by resolution of the City council authorizing same, except that the commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.

AMENDED 4/4/33-5/6/85

SECTION 110. It is hereby made the duty of the Commission to furnish water to all private consumers, by water meter measurement so far as practicable, and so far as practicable to furnish electric light and power to all consumers by electric meters. And it is made the duty of the Commission to furnish and place reliable water and electric meters for the said purposes, which meters shall be the property of the City and shall be considered in the possession and under the control of the commission, but the Commission shall have power to charge the consumers such reasonable rent for the use of such meters as they may deem proper, which rental charge may be added to and made a part of the charges made for water and electricity.

SECTION 111. All water rentals and electric light and power rentals, together with meter rentals which are not paid as due, are hereby made a charge against and lien upon the real estate for the use of which, or the occupants of which water and electricity is furnished: and it is made the duty of the Secretary of the Public Utilities Commission, on or before the first day of November of each year to furnish to and file with the Auditor of Crow Wing County, an itemized statement showing the amounts of such delinquencies and the property to be charged, and it shall be the duty of the County Auditor to extend the same upon the tax roll of the property as a tax and a charge against the property, and the same shall be collected by the County Treasurer as other taxes and paid to the City Administrator, who shall turn it into the water and light fund."

SECTION TWENTY-THREE: That Sections 140, 141, 142, 143, 144 and 145 of Chapter Twelve of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER NINE

### THE PARK AND RECREATION BOARD

"AMENDED 9/21/82

SECTION 112. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.

AMENDED 9/21/82

SECTION 113. The said board shall organize by selecting a President and Vice-President from its members and a Clerk, and the Clerk shall keep a full record of all proceedings of said board, and shall keep books showing all monies received and disbursed and the management of the business committed to said board.

AMENDED 9/21/82

SECTION 114. The said board shall establish the qualification for employment and shall have the authority to employ and determine the compensation of a trained and qualified Director of Parks and Recreation, and such other assistants, supervisors, playleaders, or other employees that may be necessary, in its judgment, for the efficient administration, conduct and development of the public recreation program, within the monies provided for such purposes by the City. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.

AMENDED 9/21/82

SECTION 115. All funds received by the park board shall be placed in an account known as the Park and Recreation Fund. No part of said Fund shall be paid out unless the same shall be allowed by said board.

AMENDED 9/21/82

SECTION 116. The board shall each year prior to September 1 prepare a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the city Council.

AMENDED 9/21/82

SECTION 117. The members of said board shall receive no compensation for their services except that the clerk shall be paid such salary for his/her services as the board shall recommend and the City Council determine."

AMENDED 9/21/82

SECTION TWENTY-FOUR: That Sections 146, 149 and 150 of Chapter Thirteen of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER TEN

### PUBLIC LIBRARY BOARD

"SECTION 118. The Library Board shall organize by appointing a President, Vice-President and Secretary from their number; such board shall have charge and supervision of the public library; together with all library buildings, grounds and other property pertaining to the public library, and shall have power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property. The City Council may pass all proper Ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.

SECTION 119. The Secretary of the Library Board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first Council meeting in may make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate, one copy of which shall be preserved in that office and the other copy filed with the City Administrator.

SECTION 120. The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this Charter, except so far as the same herein changed or modified."

SECTION TWENTY-FIVE: That Sections 151, 152, 153, 154, 155, 157, 158, 159, 160, 161 and 162 of Chapter Fourteen of the Charter of the City of Brainerd be amended by striking the whole thereof and inserting in lieu thereof the following:

## CITY CHARTER - CHAPTER ELEVEN

### GENERAL PROVISIONS

"SECTION 121. The City council may from time to time provide for the compilation and publication of the Ordinances of the City, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion, and may also provide for exchange of such printed compilations for similar publications for other cities.

SECTION 122. No person shall be an incompetent judge, justice, witness or juror, by reason of the person being an inhabitant of the City, in any proceeding or action in which the City shall be a party in interest.

SECTION 123. When any suit or action shall be commenced against the City, the service thereof may be made by leaving a copy of the process by the proper officer with the Mayor, and it shall be the duty of the Mayor forthwith to inform the City Council thereof, or to take such other proceedings as by the Ordinances or resolutions of said council may have been in such case provided.

SECTION 124. All actions brought to recover any penalty or forfeiture under this act or the ordinances, resolutions, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.

SECTION 125. In all prosecutions for any violation of this act, or any Ordinance, Resolution or By-law of the City of Brainerd, the first process shall be by warrant: provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or Ordinance, Resolution, or By-law of the City of Brainerd, but the person or persons so arrested may be proceeded against, tried, convicted, punished or discharged in the same manner as if arrested by warrant. All processes issued by a court of jurisdiction for violation of any ordinance, Resolution or By-law of the City, shall run in the name of the State of Minnesota, and shall be directed to the Chief of Police, or any police officer of the City, or to the Sheriff or any constable of Crow Wing County.

SECTION 126. The City of Brainerd shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the City to the jail of Crow Wing County under the state laws.

SECTION 127. No penalty or judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two-thirds of all the members of the City Council; but nothing in this section shall be so construed as to prohibit the judge of a court of jurisdiction from granting new trials or reversing any judgment rendered by the court according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.



SECTION 128. No City officer, or employee of the City, shall sell, dispose of, or convert to the officer's own use, any City property in the officer's charge without special authority from the City Council.

SECTION 129. It is hereby made the duty of the register of deeds of Crow Wing County to record any deed or other instrument in which the grantor or grantee is the City of Brainerd, without requiring the same to be certified, "Taxes paid and transfer entered", or "Paid by sale of lands described within", any general law of the state to the contrary notwithstanding.

SECTION 130. All ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings heretofore made and established by the City Council of the City of Brainerd, and not inconsistent with the provisions of this Charter, shall remain in force, except as altered, modified or repealed by the City Council of the City of Brainerd, and all books and pamphlets, published, or which may be published, purporting upon their title page to be published by the authority, order or direction of the City Council, and purporting to contain the ordinances of said City, standing rules and orders of said City Council, or either, are hereby declared to be competent and prima facie evidence of the contents of such ordinances, standing rules and orders, or any resolution or other matters, purporting to be the act of the City Council which may be found printed therein, and the due and legal adoption, approval and publication thereof, and the certificate of the City Administrator that any printed slip of paper to which such certificate may be attached, contains or is a true copy of any Resolution, Ordinance, proceeding of the City Council, or other paper the original of which is presumably in the possession of the City Administrator, shall constitute such printed slip or paper competent and prima facie evidence of the contents and purport of the Resolution, Ordinance, proceeding of the city Council, or other paper, and of the legal passage, adoption, approval and publication thereof.

SECTION 131: That the Charter Commission of the City of Brainerd, as prescribed by state law, be composed of seven(7) members, each of whom shall be a qualified voter of the City of Brainerd."

AMENDED 10/1/72

SECTION TWENTY-SIX: That this Ordinance shall take effect and be in force on the one hundredth (100th) day after its publication in accordance with Minn. Stat. § 414.12, Subd. 7.

Adopted this 8th day of April , 1991.

/s/ James E. Wallin  
James E. WALLIN  
President of the Council

Approved this 9th day of April , 1991.

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BONNIE K. CUMBERLAND  
 Mayor

ATTEST: \_\_\_\_\_  
 DANIEL J. Vogt  
 City Administrator

Published One Time: April 12, 1991

CITY OF BRAINERD BOARDS/COMMITTEES/COMMISSIONS

<b>COMMITTEE</b>	<b>HOW ORGANIZED</b>	<b>HOW SET UP</b>	<b>MEMBERSHIP CRITERIA, CITY RESIDENT?</b>
Economic Development Authority	Resolution	Mayor Appointed / Council Approved	no
Charter Commission	Statute/Ordinance	Appointed by Judges of District Court	yes
Police & Fire Civil	Statute/Ordinance	City Council Appointed	yes
Housing & Redevelopment Authority	Statute	Mayor Appointed / Council Approved	yes
Brainerd Public Library Board	Charter	Mayor Appointed / Council Approved	yes
Kitchigami Regional Library Board	Statute	Mayor Appointed / Council Approved	yes
(from Brainerd Public Library Board)			
Parks & Recreation	Charter/Ordinance	Mayor	yes

Board		Appointed / Council Approved	
Parking Commission	Ordinance	Mayor Appointed / Council Approved	no
(past policy has been to be a resident or have a business in the City)			
Planning Commission	Ordinance	City Council Appointed	Unspecified
(Appears members have always been city residents)			
Cable TV Advisory Committee	Ordinance	Mayor Appointed / Council Approved	Unspecified
(Appears members have always been city residents)			
Transportation Committee	Council	Mayor Appointed / Council Approved	Unspecified
(past policy has been to be a resident or have a business in the City)			
Public Utilities Commission	Charter	Mayor Appointed / Council Approved	yes
Airport Commission	Ordinance	City Council Appointed	yes
Neighborhood Advisory Committee	Council	Mayor Appointed / Council Approved	yes

\*Note: Effective 8/1/93 per motion passed at 7/19/93 Council meeting, members of all Boards/Committees/Commissions in the City of Brainerd must 1] Be a resident of the City of

Brainerd, or 2] Have an ownership interest in a business or other property within the City of Brainerd.