

State of Minnesota  
County of Watonwan

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ST. JAMES UPON  
RECOMMENDATION OF THE ST. JAMES CHARTER COMMISSION PURSUANT  
TO M.S.A CHAPTER 410.12, SUBD. 7

The City Council of the City of St. James, upon recommendation of and from the St. James City Charter Commission does hereby ordain and thus amend and adopt the following changes, deletions, and amendments of or from the following chapters and sections of the St. James City Charter:

**Section 1.** Section 1.02, Subdivision 1 is amended as follows:

The First Ward of the City of St. James is all the area that lies west of Armstrong Boulevard ~~South~~ North, and Armstrong Boulevard South excluding property south of ~~Eleventh~~ Tenth Avenue South.

**Section 2.** Section 1.02, Subdivision 2 is amended as follows:

The Second Ward of the City of St. James is all the area that lies east of Armstrong Boulevard South and Armstrong Boulevard North including property south of ~~Eleventh~~ Tenth Avenue South ~~and east of Fifth Street South~~.

**Section 3.** Section 1.04 is amended as follows:

This Charter shall be a public act and need not be pleaded or proven in any case. ~~It shall take effect thirty (30) days from and after its adoption by the voters.~~

**Section 4.** Section 2.01 is amended as follows:

The form of government established by this Charter is the "Council Manager Plan." ~~Except as otherwise provided by law or this Charter, all powers of the city are vested in the Council. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the Council for the proper administration of all City affairs. The Council shall exercise the legislative and executive power of the city and determine all matters of policy. The Council shall have complete control and is responsible for city administration, but shall exercise this control exclusively through the City Manager and the Council shall not attempt to perform any administrative work.~~

**Section 5.** Section 2.07, Subdivision 2 is amended as follows:

~~The mayor shall be the Chief Executive Officer of the City and shall have command and control of its police force subject to the advice and consent of the City Council.~~ The mayor shall exercise all powers and perform all duties conferred and imposed upon him/her by this Charter, the ordinances of the City, and the constitution and statutes of the State of Minnesota.

**Section 6.** Section 2.11 is amended as follows:

The City Manager, ~~City Clerk, City Treasurer~~ City Clerk/Treasurer and other officers and employees as may be specified by ordinance, before entering upon the duties of their respective offices, shall have a corporate bond ~~to the city purchased by the City of St. James~~ in such ~~sum~~ amount as may be fixed by the Council as additional security for the faithful performances of their respective official duties and safekeeping of the public funds. ~~Such bonds shall be approved by the City Council and shall be endorsed by the mayor as having been so approved. The provisions of the statutes of the State of Minnesota relative to official bonds, not inconsistent with this Charter, shall be complied with.~~

**Section 7.** Section 3.04 is amended is follows:

Every ordinance shall be enacted by a majority vote of all the members of the Council except where a larger number is required by law. It shall be signed by the mayor, attested by the Clerk/Treasurer and published once in the official newspaper. If the Council determines that publication of the title and summary would clearly inform the public of the intent and effect of the ordinance, the Council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, conforming to MN State Statute 331A.01, subdivision 10, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours of the office of the City Clerk/Treasurer and any other location which the Council designates. A copy of the entire text of the ordinance shall be posted in the ~~community library~~ Watonwan County Library located in St James. Prior to the publication of the title and summary the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance has been published. The text of the summary shall be published in a body type no smaller than brevier or 8-point type. Proof of the publication shall be attached and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within twenty (20) days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The City Council of St. James, Minnesota, ordains...". No ordinance shall contain more than one subject which shall be clearly expressed in its title. Every ordinance shall be in writing. Every ordinance other than emergency ordinances, shall be announced by reading the descriptive heading at two Council meetings, and the second reading shall be not less that fourteen (14) days after the first reading thereof. ~~The full text of the proposed legislation shall be available to the public in the office of the City Clerk/Treasurer after the first reading.~~

**Section 8.** Section 3.05 is proposed under the title "NOTICE OF PROPOSED ORDINANCES" and is further amended as follows:

Notice shall be given on the city's website and through the electronic notification system of the city on all proposed ordinances at least ten (10) days before the council meeting at which the proposed ordinance is schedule for a final vote. The ten-day notice requirement shall also apply to proposed amendments to any existing ordinance. The notice shall include that the full text of the proposed ordinance will be made available for public inspection at the office of the Clerk/Treasurer after the first reading.

**Section 9.** Section 3.05 is amended to Section 3.06.

**Section 10.** Section 3.06 is amended to Section 3.07.

**Section 11.** Section 3.07 is amended to Section 3.08.

**Section 12.** Section 3.08 is amended to Section 3.09.

**Section 13.** Section 3.09 is amended to Section 10 and is amended as follows:  
Every resolution, ordinance, and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. ~~Every other ordinance shall take effect thirty (30) days after publication or at such later date as it specifies.~~ Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such later date as it specifies.

**Section 14.** Section 3.10 is amended to Section 3.11 and is amended as follows:  
The city may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the ~~City Clerk~~ Clerk/Treasurer for general distribution to the public ~~free or for~~ at a reasonable charge fee as set by ordinance or resolution. Publication in such a code shall be sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the ~~City Clerk~~ Clerk/Treasurer is published in the official newspaper for at least two successive weeks.

**Section 15.** Section 4.01 is amended as follows:  
A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year commencing in ~~1984~~ 2024 at such place or places as the Council may designate. The ~~City Clerk~~ Clerk/Treasurer shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate the election.

**Section 16.** Section 4.03 is amended as follows:  
No earlier than ten (10) weeks or later than eight (8) weeks before the municipal election, any voter of the City qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee of ~~\$5.00~~ \$25.00 to the ~~City Clerk~~ Clerk/Treasurer, have his/her name placed on the municipal ballot or, if no primary election, on the municipal election ballot.

**Section 17.** Section 5.03 is amended as follows:  
The Mayor, ~~City Clerk~~, City Manager, and three (3) Alderpersons selected by the Council shall constitute a board of equalization for the City. They shall meet and perform their duties as provided by law.

**Section 18.** Section 5.05 is amended as follows:

There shall be a budget committee composed of the mayor, two (2) Alderpersons selected by the Council, City Manager ~~or~~ and Clerk/Treasurer.

**Section 19.** Section 5.06 is amended as follows:

The City Manager shall annually submit to the Council a recommended budget by ~~September 1~~ the first regular meeting in September. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by law or Charter, shall be in such form as the City Manager deems desirable or the Council may require. It shall include a minimum of the following: a summary and detailed explanation of all estimated revenue and all proposed expenditures, comparative figure for the preceding fiscal year and for the current fiscal year, actual and estimated; proposed capital expenditure to be made during the year and the proposed method of financing each such capital expenditure. The total proposed operating budget to be provided from property tax shall not exceed the amounts authorized by law and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

**Section 20.** Section 5.07 is amended to reflect the PASSAGE OF CITY BUDGET AND PROPERTY TAX LEVY title and is amended as follows:

The proposed Budget and Property Tax Levy shall be presented and considered at the first regular monthly meeting of the Council in September and shall have approval at the second council meeting in September and at subsequent meetings until a budget is adopted for the ensuing year. ~~Two (2) public hearings on the budget shall be held with reasonable notice and giving interested individuals a reasonable opportunity to be heard.~~ In the event the Council cannot approve a proposed budget by the second council meeting in September, they can hold a special city council meeting to adopt the proposed budget prior to September 30<sup>th</sup>. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to any amount greater than the estimated income. The Council shall adopt a resolution levying the amount of taxes provided in the budget and the Clerk/Treasurer shall certify the tax resolution to the County Auditor in accordance with law not later than ~~October 10~~ September 30<sup>th</sup>. The Truth-in-Taxation public hearing shall be held at the first council meeting in December each year and must start on or after 6:00 PM. The Council shall also adopt the final budget and property tax levy not later than the first week of December by resolution which shall set forth the total of each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. by resolution on or before five working days after December 20 in each year. The final property tax levy must be certified to the County Auditor on or before five working days after December 20 of each year. The resolution shall set forth the total of each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

**Section 21.** Section 5.08 is amended as follows:

It shall be the duty of the Council to enforce strictly the provision of the budget. It shall not approve any order upon the ~~City Treasurer~~ Clerk/Treasurer for any expenditures unless an appropriation has been made in the budget, not for any expenditures covered by the budget unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amount authorized in the budget. ~~Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.~~

**Section 22.** Section 5.10 is amended as follows:

All disbursements ~~except those made from public utility funds shall be made only regular vouchers issued by the City Clerk, duly~~ upon presentation of an invoice which properly reflects the purchase of items by city staff or authorized by the Council, and ~~countersigned by the mayor, which shall indicate the fund out of which disbursements shall be made. Each order, when signed by the City Clerk, countersigned by the mayor shall become a check payable to the payee at the bank indicated thereon. The Clerk shall issue no checks upon any fund except as above. The Clerk/Treasurer will prepare the checks, other than petty cash checks; will be signed by the Mayor and Clerk/Treasurer.~~ No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, ~~sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void and any officer of this City violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No claim against the City shall be allowed unless accompanied by an itemized and verified statement, payroll, or timesheet signed by the officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The fund balance should be based upon not only the amount of the check but also any amount that may be encumber at that time. From time-to-time payment may be required prior to reimbursement from a state agency or city involved program. It shall be duly noted in the approval documents that this in fact the reason for the disbursement at this time. The Clerk/Treasurer shall present to the Council at each regular meeting a check payment approval report listing the vendor's name, invoice number, payment amounts, funds affected by the payment. Council on a motion shall approve or deny payment of said bills. The Council by ordinances may make further regulations for the safekeeping and disbursement of the City's funds.~~

**Section 23.** Section 5.12 is amended as follows:

All receipts of money belonging to the City, or any branch thereof, excepting only the funds collected by the County Treasurer, shall be paid to the ~~City Treasurer~~ Clerk/Treasurer by the person authorized to receive the same at the close of each business day. All such monies and also all monies received upon tax settlements from the County Treasurer, shall be deposited as soon as received in a bank or banks approved by the

Council. Any person in the employ of City guilty of a violation of this provision shall be liable to be reduced in salary or be dismissed from his/her office or position, as the Council may determine after a hearing.

**Section 24.** Section 5.13 is amended as follows:

~~The City Treasurer shall submit to the Council a statement each month showing the amount of money in the City treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the Council may require. Once in each year and on or before the last day of January the City Manager shall submit a report to the Council covering the entire financial operations of the City for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as required by the City Council and shall cover the entire past fiscal year. It also shall show the total outstanding bonds and debts of the City, the maturity of the same, the amount of bonds and other evidence of indebtedness issued during the past fiscal year and the amount redeemed during the same time period. It also shall show the rate of interest on said bonds, or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and such other information as the Council may require.~~ The Clerk/Treasurer shall ensure the accounting standards of GASB 34 and of the State Auditor are met each year. Financial and administrative reports recommended by the city's auditor are provided in a timely fashion to the council by the Clerk/Treasurer. The council shall determine additional financial or administrative reports that are desired at any time by the Clerk/Treasurer or City Manager. After the close of the fiscal year, the Clerk/Treasurer shall furnish all necessary information to the city's auditor in order to produce a financial report covering the city's operations during the preceding fiscal year and shall be submitted to the council by June of each year. The liquor store financial statement shall be included into the city's general financial reports. The City Manager shall publish the report or summary of the report, in a form as prescribed by the state auditor, in the newspaper no more than thirty (30) days after the report is due to the State Auditor. The Clerk/Treasurer shall file the financial report in the Clerk's Office for public inspection. The Clerk/Treasurer shall ensure the financial report is furnished to the State Auditor by the end of June. The Clerk/Treasurer shall submit by February 1 of each year the total amount of outstanding obligations and the purpose for each issued for the previous fiscal year to the County Auditor. The City Manager shall submit the approved budget to the State Auditor by the end of January each year. The City Manager shall also submit the lobbying services expenditures report to the State Auditor by the end of January each year. City Manager shall submit to the County Auditor before adoption of the proposed levy additional summary budget information to include summary budget data reported to the State Auditor; revenues separately listed by category of property taxes, special assessments, state general aid, and state categorical aids; and expenditures separately listed by category, with each category carefully defined, including general government, public safety, streets and highways, and other applicable expenditures.

**Section 25.** Section 5.14 is amended as follows:

The books of the City shall be audited at least once a year by a reliable and competent certified public accountant ~~employed~~ contracted by the Council. In addition to the reports furnished ~~by to~~ the Council, the ~~auditor~~ City Manager shall furnish a condensed report covering the audit and such condensed report shall be published at least once in the official City newspaper.

**Section 26.** Section 5.18 is amended as follows:

The Council may by resolution adopted by a majority of its members issue certificates of indebtedness with existing debt limits for the purpose of purchasing fire and police equipment, ambulance equipment and street construction or maintenance equipment. The aggregate amount of the net debt resulting from the issuance of certificates of indebtedness shall not exceed two percent (2%) of the assessed valuation of the City, unless the issuance of certificates of indebtedness in excess of said limit has been approved by a majority of votes cast on the question at a regular or special election. Such certificates shall be payable in not more than five (5) years and shall be issued on such terms and manners as the Council may determine. If the amount of certificates to be issued to finance any such purchases exceed one percent (1%) of the assessed valuation of the City, they shall not be issued for at least ten (10) days after publication in the official newspaper of the Council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition of issuing the certificates signed by voters equal to ten percent (10%) of the number of voters at the last regular municipal election if filed with the Clerk/Treasurer, such certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such certificates as in the case of general obligation bonds. Certificates of indebtedness issued prior to the adoption of this SECTION shall be deemed as in compliance with the Charter provided the issuance of such certificates met the requirements of Minnesota Statute 12.301.

**Section 27.** Section 6.02 is amended as follows:

**Subdivision 8.** ~~The City Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year. The City Manager shall prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and shall, from time to time, suggest amendments to such code.~~

**Section 28.** Section 6.04 is amended as follows:

The City Manager shall be the chief purchasing agent of the City. ~~All City purchases and contracts shall be made or let by the City Manager when the amount involved does not exceed \$2,500.00. The Council by resolution annually shall set a dollar amount that the City Manager is authorized to spend without prior Council approval.~~ All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Manager has first been obtained. Contracts shall be made in compliance with the uniform contracting law and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager or City

Clerk/Treasurer on behalf of the City and shall be executed in the name of the City. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

**Section 29.** Section 8.01 is amended as follows:

The City may acquire by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for a public purpose. Prior to the acceptance of any real property gift, City Manager will complete a long-range financial analysis of the possible cost of the gift to the city and present the same to the Council for review. In acquiring property by exercise of power of eminent domain, the city shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

**Section 30.** Section 9.01 is amended as follows:

Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semipermanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all of the terms and conditions of the franchise. The grantee shall bear the cost of publication of the franchise ordinance and shall make a sufficient deposit with the ~~City Administrator~~ Clerk/Treasurer to guarantee publication before the ordinance is passed.

**Section 31.** Section 12.04 is amended as follows:

Prior to the sale of any real property owned by the City, the City Manager will complete a cost study showing the appraised value of the real property, impact on real estate taxes and other to the city and present the same to the Council for review. No real property of the City shall be disposed of except by resolution adopted by a majority vote of the alderpersons; provided however that prior to the sale of any real property that the Council shall as part of its fiduciary responsibility do an economic impact study related to said sale and will hold a public hearing at which citizens can express their input. The public notice for the hearing must be published in the official newspaper at least ten (10) days prior to the hearing. Also, that within thirty (30) days after the final publication of the resolution ten (10) percent of the qualified voters voting in the last election may petition the City Council for an election upon the sale of real property, or the Council may by resolution order and direct an election upon the question of the sale of real property. In the event of an election a sixty (60) percent majority vote shall be required to authorize such sale. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of such real property, but if there is no outstanding indebtedness, then the Council by resolution may designate some other public use for such proceeds.

**Section 32.** Section 12.09 is hereby removed.

~~The Council shall by ordinance, resolution or other appropriate action take such steps as are necessary to make effective the provisions of this Charter.~~

**Section 33.** Section 12.10 is amended to Section 12.09.



**Section 34.** Section 12.11 is amended to Section 12.10.

**Section 35.** Section 12.12 is amended to Section 12.11 and is further amended as follows:

~~This Charter shall take effect on the date or at the time stated in the amending ordinance or, if any election is held authorizing its adoption, then it shall take effect on the first month more than forty five (45) days following the date of such election.~~ The city or charter commission shall proceed with charter amendments according to Minnesota Statutes, Chapter 410.12 or other applicable law and the effective date of such amendment shall follow the applicable method chosen to amend the City Charter of St. James.

**Section 36.** Section 12.12 is proposed under the title “CHARTER COMMISSION” and is further amended as follows:

The Charter Commission shall not exceed fifteen (15) members but shall not have less than seven (7) members. Commissioners shall serve a term of four (4) years ending on January 1 and excluding filling an unexpired term. A commissioner may apply for additional terms. The qualification to serve a term requires that the individual be a qualified voter in St. James. The commission shall submit on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The charter commission shall meet at least once during each calendar year. The City Attorney shall be the attorney for the charter commission. The charter commission shall periodically review the charter to safeguard the concept of Home-Rule under the existing Charter and Home Rule provisions within state statute.

**Section 37.** The effective date of this ordinance shall be ninety days after publication.

First Reading:	April 18, 2023
Second Reading:	May 2, 2023
Date of Publication:	May 11, 2023
Date Ordinance Takes Effect:	September 1, 2023

\_\_\_\_\_  
Jonathan Wilson, Mayor

ATTEST:

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Kristin K. Hurley, City Clerk