



**CHARTER**

**OF THE CITY OF**

**HOPKINS, MINNESOTA**

As approved by the electors of the Village (now City) of Hopkins at the Village Election of December 2, 1947, and including all amendments adopted prior to December 31, 2009.

# CHARTER OF THE CITY OF HOPKINS

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## **CHAPTER 1**

### **NAME, BOUNDARIES, POWERS AND CONSTRUCTION**

Section 1.01. NAME AND BOUNDARIES. Upon the taking effect of this Charter, the Village of Hopkins, in the County of Hennepin, State of Minnesota, shall become a City under the name and title of the City of Hopkins, and shall continue to be a municipal corporation, and shall include Section 19, Township 117, Range 21; Sections 24 and 25, Township 117, Range 22, Hennepin County, Minnesota; also the following described real estate situated in said County and State, to-wit: The East one-half of the Southwest Quarter of Section 13, Township 117, Range 22; also the Southwest Quarter of the Southeast Quarter of Section 13, Township 117, Range 22; also the Easterly 400 feet of that part of the West one-half of the Southwest Quarter of Section 13, Township 117, Range 22, which formerly constituted the South one-half of Lot 3, and all Lots 4, 5, and 6, of Souba's Subdivision, Hennepin County, Minnesota, now vacated; also the Easterly 400 feet of Lot 7, Souba's Subdivision, Hennepin County, Minnesota, now vacated, until changed by the exclusion of any of said lands from, or the inclusion of other lands within its boundaries.

(Note: Since the adoption of the Charter the original area has been enlarged by the adoption of several ordinances which will be found in the City Ordinance book.)

### **POWERS**

Section 1.02. POWERS OF THE CITY. The City shall have all powers of local self-government and home rule possible for a municipal corporation to have under the constitution of the State, and all powers possessed by municipal corporations at common law and that now or hereafter may be granted to municipalities by the laws of the State, including all powers which shall be necessary to preserve, promote, advance and protect the health, safety and general welfare of persons, and preserve and protect property, and to any and all of these ends, to levy taxes and to borrow money and issue and negotiate bonds or other instruments evidencing indebtedness; to enter into contracts, to purchase, exchange, develop, operate, improve, lease, barter or sell any property. All such powers shall be exercised in the manner prescribed in this Charter and by the laws of the State, or if not so prescribed, as shall be provided by ordinance of the Council.

## **CONSTRUCTION**

Section 1.03. **CONSTRUCTION OF THIS CHARTER.** The provisions of this Charter shall be construed liberally in favor of the City, to the end that it may have all powers necessary or convenient for the efficient conduct of its municipal affairs as contemplated by the municipal home rule provisions of the constitution, the laws of the State, and this Charter. The specific mention of particular municipal powers in other sections of this Charter shall not be construed as limiting the general powers of the City to those specifically mentioned.

Section 1.04. **SEVERABILITY.** This Charter is subject to the laws of the United States and the State of Minnesota. In the event any provision of this Charter shall be held contrary to law such provision shall be voided. All other provision of this Charter shall continue in full force and effect.

Section 1.05. **COMMISSION STRUCTURE.** The Charter Commission shall have eleven members appointed pursuant to state law. Each member shall be a citizen of the State of Minnesota and a resident of the City of Hopkins.

## **CHAPTER 2**

### **FORM OF GOVERNMENT**

Section 2.01. FORM OF GOVERNMENT. The form of government established by this Charter shall be known as the "Council-Manager Plan." All powers of the City, unless otherwise specifically provided by this Charter, shall be exercised by the City Council and the Mayor, subject to the initiative, referendum and recall powers of the voters. They shall have complete control of the City administration but shall exercise this control exclusively through the City Manager and shall not themselves attempt to perform any administrative work.

Section 2.02. BOARDS. The Council shall itself be, and shall perform the duties and exercise the powers of all local boards and commissions except as herein otherwise provided. It may by ordinance or resolution create commissions or boards and appoint the members thereof, with advisory powers to investigate any subject of interest to the municipality and to prepare any plans, subject to the approval of the Council, and the Mayor or Council Members may be a member of any commission or board so created. Such boards and commissions may be given the power to administer oaths and to compel the attendance of witnesses and the production of books, papers and documentary evidence.

### **ELECTED OFFICIALS**

Section 2.03. ELECTED OFFICIALS. Subdivision 1. The elected officials shall be a Mayor and four Council Members who shall all be qualified voters. They shall all be elected at large.

Subdivision 2. The Mayor will serve for a term of two years, and the four Council Members shall serve for terms of four years each. The terms of all elected officials shall commence on January 1st and all shall serve until their successors are elected and qualify.

Subdivision 3. After the City general election, the City Council shall, at their next regularly scheduled meeting, meet as the canvassing board and declare the results of the election. The candidate receiving the highest number of votes for a particular office is elected. If the election results in a tie, then the winner should be determined by lot in the presence of the Council acting as the canvassing board.

Section 2.04. INCOMPATIBLE OFFICES. Neither the Mayor nor any member of the City Council shall be appointed City Manager, or hold any paid municipal office or employment under the City other than the office to which elected; and until one year after the expiration of her or his term as Mayor or Council Member, no former City Mayor or City Council Member shall be appointed to any paid office or employment under the City, which office or employment was created or the emoluments of which were increased during his or her term.

Section 2.05. VACANCIES. Subdivision 1. A vacancy occurs if an elected official dies, is convicted of a felony, is in violation of the official oath, resigns, ceases to maintain a legal residence in the City, fails to qualify for office, or fails, without good cause, to perform any of the duties of her or his office for a period of three months. In each such case the Council shall by resolution declare such a vacancy to exist and shall forthwith appoint an eligible person to fill the same.

If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. A person appointed to fill a vacant position can file an affidavit of candidacy to seek election to the position.

## **THE MAYOR**

Section 2.06. THE MAYOR. Subdivision 1. The Mayor shall be the presiding officer of the Council and shall vote on all motions before the Council as any other member thereof. A president pro tempore shall be chosen by the full City Council at the first Council meeting in January after a municipal election. The president pro tempore shall serve as presiding officer in the Mayor's absence, and as Acting Mayor in case of the Mayor's disability or absence from the City. In cases where the Mayor and the President Pro Tempore are both absent, the Council Member, who has served the longest, shall perform as acting Mayor.

Subdivision 2. The Mayor shall exercise all powers and perform all duties conferred and imposed upon her or him by this Charter, the ordinance of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving all legal processes and by the Governor for the purposes of the martial law. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty or waste on the part of any official or department of the City.

## **SALARIES**

Section 2.07. SALARIES. Subdivision 1. The Mayor and members of the City Council shall each receive an annual salary as the Council may by ordinance establish in such amount as they deem reasonable. No change in such salaries shall take effect until after the next succeeding municipal election. The City Manager and all other employees of the City shall receive such salaries as from time to time may be fixed by the City Council.

Subdivision 2. EXPENSES. The Mayor and Council Members shall be paid a reasonable sum for each day and/or their reasonable expenses incurred while traveling outside of the City on the City's business. The City Manager and all other employees of the City shall be paid their reasonable expenses incurred while traveling outside of the City on the City's business.

Section 2.08. INVESTIGATION OF CITY AFFAIRS. The Mayor, the Council, and/or the City Manager, and/or any individual formally authorized by them, shall have power to make investigations into the City's affairs. The Council shall provide for the annual examination or audit of the account of the City.

Section 2.09. INTERFERENCE WITH ADMINISTRATION. Except as otherwise provided in this Charter, neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent the Manager from exercising his or her own judgment in the appointment of employees in the administrative service, but this shall not be construed to prohibit the Council from passing ordinances for establishing the merit system. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

## **CHAPTER 3**

### **COUNCIL**

#### **PROCEDURE OF COUNCIL**

Section 3.01. **COUNCIL MEETINGS.** The Council shall meet at such time as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The Mayor or any two members of the Council may call a special meeting. The rules for calling a special meeting, as set out in the Laws of the State of Minnesota shall be followed. Meetings of the City Council shall be open pursuant to the Minnesota Open Meeting law. Minutes and records of open meetings shall be available to any individual during regular business hours.

Section 3.02. **RULES OF PROCEDURE AND QUORUM.** The Council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but no resolution or ordinance shall be passed or adopted by the council with less than three votes in its favor.

#### **ORDINANCES, RESOLUTIONS AND MOTIONS**

Section 3.03. **ORDINANCES, RESOLUTIONS AND MOTIONS.** Subdivision 1. Except as otherwise provided in this Charter, all legislation shall be by ordinance. The enacting clause of all City Ordinances shall provide either one of the following enacting clauses: "Be it ordained by the Council of the City of Hopkins" or "The Council of the City of Hopkins hereby ordains as follows". Every ordinance shall be presented in writing and every ordinance, other than emergency ordinances, shall have two public readings and at least three days shall elapse between the first and the second readings thereof. Every ordinance passed by the Council shall be signed by the Mayor and the City Clerk, and shall be filed with the City Clerk. Every Ordinance that has been adopted shall be published at least once in the official newspaper of the City within 30 days after its passage by the Council. All ordinances, except emergency ordinances, shall take effect on the date of their publication, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances adopted by the voters of the City shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

The requirement in this section for the publication of any ordinance shall be satisfied in all those cases enumerated in or contemplated by Minnesota Statutes Annotated 471.62 by complying with the terms and provisions of said statute. That further such publication requirement shall be satisfied in the case of any ordinance which as a part thereof adopts by reference any Public Record, Ordinance Codification, Map, Chart, Legend, Graph, Scale, Illustration or Tabulation without the actual printing or publication of such reference matter provided that at least three copies of such matter or materials are marked as official copies and filed for use and examination by the Public in the office of the City Clerk. In all such cases, the Clerk shall furnish a copy of such matter thus adopted and incorporated by reference in any ordinance at cost to any person upon request. The publication requirement shall also be satisfied where, in the case of lengthy ordinances, the City Council determines that publication of the title and a summary of the ordinance would clearly inform the public of the intent and effect of the ordinance. In such cases the state law regarding the publication of ordinance summaries will be followed.

Subdivision 2. An emergency ordinance is one in which the emergency is defined or declared in a preamble thereto, separately voted upon, and both the preamble and ordinance must be adopted by at least four votes of the Council. An emergency ordinance may be adopted after its first reading and take effect immediately after its adoption. No grant of any franchise shall be construed to be an emergency ordinance.

Subdivision 3. The City may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the State of Minnesota affecting the municipality, or any code, to the extent and in the manner provided by the laws of Minnesota.

Subdivision 4. Every resolution shall be presented in writing.

Subdivision 5. All administrative business may be transacted by ordinary motion.

Subdivision 6. No ordinance or section thereof shall be amended or repealed except by ordinance, and every amendment or repeal shall refer to the ordinance so amended or repealed by title, date of passage and section number or numbers. All previous amendments must be consolidated in a rewording of the section amended each time that the section is changed.

## CHAPTER 4

### **ELECTIONS**

Section 4.01. MUNICIPAL ELECTIONS. Subdivision 1. The regular election for the choice of the elected officials of the City shall be held on the first Tuesday after the first Monday in November in odd numbered years beginning in 1995. The City Manager shall give notice of all elections in the manner prescribed by the laws of Minnesota for cities of the same classification as Hopkins, but failure to give such notice shall not invalidate such election.

Subdivision 2. The Council may by resolution order a special election on any question which it desires to submit to a vote of the voters, fix the time for holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Section 4.02. CANDIDATES. Subdivision 1. A candidate for a city office shall file an affidavit not more than 70 days and not less than 56 days before the municipal general election with the City Clerk, or application on behalf of any qualified voter of the City whom they desire to be a candidate may be made as per Chapter 205, MUNICIPAL ELECTIONS, of the Minnesota State Statutes. In either case, the filing fee shall be \$5.00. Such affidavit or application shall state that the candidate is a qualified voter of the City of Hopkins, and name the office for which she or he is a candidate.

Subdivision 2. Any candidate may withdraw not later than twelve o'clock noon of the day following the last day for filing by filing a notice of withdrawal with the City Clerk.

Section 4.03. GENERAL ELECTION LAWS TO APPLY. Except as herein provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officials as are specified in this Charter. The Council may, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections.

## **CHAPTER 5**

### **INITIATIVE, REFERENDUM AND RECALL**

Section 5.01. **POWERS RESERVED BY THE PEOPLE.** The people of Hopkins reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances and resolutions, to require ordinances passed by the Council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum and the recall, respectively.

Section 5.02. **EXPENDITURES BY PETITIONERS.** No member of any initiative referendum or recall committee, no circular or a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationary, copying, printing, advertising and notaries fees. The committee, at least five days before the election, shall file with the City Manager a financial statement verified by a member of the committee, which shall show in itemized detail, all receipts, with the source thereof, and all disbursements and all obligations to make disbursements. Any violation of the provisions of this section shall constitute a misdemeanor.

Section 5.03. **FURTHER REGULATIONS.** The Council may as soon as possible after the organization of City government under this Charter provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this Charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this Charter.

### **INITIATIVE**

Section 5.04. **INITIATION OF MEASURES.** Any five voters may form themselves into a committee for the initiation of any measure of public general city-wide concern.

After formulating their measure they shall file a verified copy thereof with the City Manager together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 5.05. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

**INITIATIVE PETITION**

proposing an ordinance (or resolution, as the case may be) to.....(stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by the following committee of electors:

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

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

Name	Address
1. ....	.....
2. ....	.....
3. ....	.....

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

Section 5.06. FILING OF PETITIONS AND ACTION THEREON. All the signature papers shall be filed in the office of the City Manager as one instrument. Within five days after the filing of the petition the City Manager shall ascertain by examination the number of voters whose signatures are appended thereto, and whether this number is at least ten percent of the total number of voters who cast their votes at the last preceding regular municipal election. If the Manager finds the petition insufficient or irregular, she or he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for her or his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Manager shall file the same in his or her office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the measure to the voters at the next regular or any special election, at its option.

Section 5.07. ACTION OF COUNCIL ON PETITION. Whenever the petition shall be found to be sufficient, the City Manager shall so certify to the Council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the Council shall at once read the measure and refer it to an appropriate Council committee, which may be a committee of the whole. The Council committee or Council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the Council not later than 65 days after the date upon which such measure was submitted to the Council by the City Manager. If the Council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to four-fifths of the petitioners as shown by a certificate filed by the petitioners with the City Manager, the proposed measure shall be submitted by the Council to a vote at the next regular municipal election. But in case the number of signers of said petition is equal to at least 15 percent of the total number of voters voting at the last regular municipal election, then the Council shall call a special election upon the measure to be held not less than 30 nor more than 45 days after the date on which the Council finally acts on the measure, or within the same time after passage of 65 days without final action, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the Council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the City Manager within ten days from the passage thereof by the Council, then the measure need not be submitted to the voters.

Section 5.08. INITIATIVE BALLOTS. Subdivision 1. The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "yes" or "no". If a majority of the voters voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the City as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Subdivision 2. In case of the simultaneous adoption of two initiated ordinances containing inconsistent provisions, the one adopted by the larger majority shall prevail.

Section 5.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this Charter shall be construed as in any way affecting the right of the voters under the constitution and statutes of Minnesota to propose amendments to this Charter.

## **REFERENDUM**

Section 5.10. THE REFERENDUM. If prior to the date when an ordinance takes effect, a petition signed by qualified voters of the City equal in number to 15 percent of the total vote at the last regular municipal election be filed with the City Manager requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the voters, the said ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the said ordinance at its next regular meeting and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order an election to be held thereon, pending which the ordinance shall remain suspended. If a majority of the voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. REFERENDUM PETITIONS. The requirements laid down in Sections 5.04 and 5.05 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

**REFERENDUM PETITION**

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

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

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

Name	Address
1.....	.....
2.....	.....
3.....	.....

Section 5.12. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

**RECALL**

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

Section 5.14. RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Manager together with all the signature papers and affidavits thereto attached. It shall be signed by a number of voters equal to at least 25 percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

**RECALL PETITION**

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

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

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

Name	Address
1. ....	.....
2. ....	.....
3. ....	.....

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

Section 5.15. **FILING OF PETITION.** Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Manager, who shall examine the same within the next five days, and if she or he finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of votes cast at the last preceding regular municipal election, shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement on the grounds upon which the recall is sought. If at the end of that time the City Manager finds the petition still insufficient or irregular, the Manager shall notify all members of the committee to that effect and shall file the petition in his or her office. No further action shall be taken thereon.

## **RECALL ELECTION**

Section 5.16. **RECALL ELECTION.** If the petition or amended petition be found sufficient, the City Manager shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by motion, provide for the holding of a special recall election not less than 30 nor more than 45 days there-after, provided that if any other municipal election is to occur within 60 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 5.17. **PROCEDURE AT RECALL ELECTION.** In the published call for the election, there shall be given the statement of the grounds for the recall and also, in not more than 500 words, the answer of the official concerned in justification of his or her course in office.

Section 5.18. **BALLOT.** Unless the official whose removal is sought shall have resigned within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?", the name of the official whose recall is sought being inserted in place of A, and the voters shall be permitted to vote separately "yes" or "no" upon this question.

Section 5.19. **VACANCY.** Any vacancy created by such resignation or recall shall be filled by the Council in the same manner as any other vacancy.

## CHAPTER 6

### **ADMINISTRATION OF CITY AFFAIRS**

#### **THE CITY MANAGER**

Section 6.01 THE CITY MANAGER. The City Manager shall be the Chief administrator of the City. The Manager shall be chosen by the Council solely on the basis of her or his training, experience and administrative qualifications. The choice shall not be limited to inhabitants of the City or State. The City Manager shall be appointed for an indefinite period, and shall be removed by the Council at any time. If removed at any time after one year of service the Manager may demand written charges and a public hearing on the same before the Council prior to the date on which his or her final removal shall take effect, but pending and during such hearing the Council may suspend the Manager from office. During the absence or disability of the City Manager the duties of this office shall be performed by some properly qualified person designated by the Council.

Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER. Subdivision 1. Subject to the provisions of this Charter and any regulations consistent therewith which may be adopted by the Council, the City Manager shall control and direct the administration of the City's affairs. The Manager shall have the powers enumerated in the following subdivisions of this section.

Subdivision 2. The Manager shall see that this Charter and the Ordinances and Resolutions of the City are enforced and shall report any non-compliance to the City Council or other appropriate agencies.

Subdivision 3. Except as in this Charter otherwise provided, the Manager shall appoint and may remove all employees. All appointments shall be upon merit and fitness alone and in conformance with state and federal laws.

Subdivision 4. The Manager shall exercise control over all departments and divisions of the City administration.

Subdivision 5. The Manager shall attend all meetings of the Council with the right to take part in the discussions but having no vote; but the Council may at its discretion exclude the Manager from meetings at which the manner of her or his administration of the office of Manager is considered.

Subdivision 6. The Manager shall recommend to the Council for adoption such measures as he or she may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 6a. There shall be a Hopkins Police Department Review Committee. The Committee shall be three (3) Hopkins residents, appointed by the City Council, who shall not at the time of their service be Hopkins employees or elected or appointed officials. The Committee shall, upon the request of a Hopkins Police Department employee, review, and sustain, overturn or modify a discharge or discipline action against the employee. The Committee's review shall be an alternative to any arbitration or other type of hearing available to the employee, through a collective bargaining agreement or by state or federal law. The Committee shall have the power to administer oaths and to compel attendance of witnesses and the production of books, papers and documentary evidence. The hearing shall be conducted pursuant to the standards and procedures established by the City Council by ordinance.

Subdivision 7. The Manager shall prepare the budget annually and submit it to the Council and be responsible for its administration after adoption; prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year; and keep the Council advised of the financial condition and future needs of the City.

Subdivision 8. The Manager shall perform such other duties as may be prescribed by this Charter or required of her or him by ordinances or resolutions adopted by the Council.

Section 6.03. DEPARTMENTS OF ADMINISTRATION. The City Manager may create such departments and divisions for the administration of the City's affairs as may seem necessary, and may from time to time alter the same.

### **SUBORDINATE EMPLOYEES**

Section 6.04. SUBORDINATE EMPLOYEES. There shall be a City Clerk subordinate to the City Manager. The City Clerk shall be subject to the direction of the City Manager, and shall have such duties as provided by law.

### **CITY ATTORNEY**

Section 6.05. CITY ATTORNEY. The City Council may appoint a city attorney to advise the Council on legal matters.

### **PURCHASES AND CONTRACTS**

Section 6.06. PURCHASES AND CONTRACTS. The City Manager shall be the chief purchasing agent of the City. Contracts or purchases for the city for merchandise, materials, or equipment, if budgeted or for any kind of construction work, repair or maintenance of real or personal property or personal services may be made or let by the city manager when the amount of such contract or purchase does not exceed \$10,000. All other purchases shall be made and all other contracts shall be approved by the council. Each contract made by the city manager shall be made or let in conformance with applicable state law and city ordinances. All contracts, in excess of \$10,000 to which the City shall be a party, shall be signed by the Mayor and by the City Manager in behalf and in the name of the City.

## CONTRACTS

Section 6.07. CONTRACTS/BIDS. In all cases of work to be done by contract, or for the purchase of personal property of any kind, where the amount involved is more than \$25,000<sup>1</sup> the City Manager shall advertise for bids in such manner as may be designated by the Council. Contracts over \$25,000 shall be let to the lowest responsible bidder. The Council may reject any and all bids. Competitive bids shall not be necessary in those cases where from the nature of the work to be done or the kind of property to be purchased it is apparent that competitive bids will not be received, and also in those cases where the Council shall by emergency ordinance otherwise provide, and except also in any contract for a local improvement made under M.S.A. 429.041 or any other law having an inconsistent provision relating to contract for local governments. Nothing contained in this section shall prevent the purchase of real or personal property on the installment payment plan. Further regulations for the making, receipt and opening of bids and letting of contracts may be made by motion, resolution or ordinance. If at any time in the future there should be enacted any statute by the State of Minnesota providing for an amount larger than \$25,000 before the requirement of competitive bids, the City Council may pass and adopt ordinances in conformity with such statutes and thereafter proceed thereunder.

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<sup>1</sup> This amount was raised to \$100,000 by Ordinance 2008-1004 adopted December, 2008. (This footnote is for information purposes only as is not part of the Hopkins City Charter.)

## **CHAPTER 7**

### **TAXATION AND FINANCES**

Section 7.01. COUNCIL TO CONTROL FINANCES. Except as otherwise provided in this Charter, the Council shall have full authority over the financial affairs of the City.

Section 7.02. FISCAL YEAR. The Fiscal year of the city shall be the calendar year.

Section 7.03. BOARD OF EQUALIZATION. Unless the City Council provides otherwise as permitted by law, the Council shall constitute the Board of Equalization and shall meet as such in the usual place for holding Council Meetings not later than June 1 of each year to equalize the assessments according to law, or at such other adjourned meetings as it may designate.

### **THE BUDGET**

Section 7.04. PREPARATION OF THE ANNUAL BUDGET. The annual budget shall provide a complete financial plan for the budget year by fund, showing all proposed expenditures and estimates of all anticipated revenues applicable to proposed expenditures and any other information the Council may require or the City Manager may deem desirable. In parallel columns shall be shown the amounts, if any, granted and expended under similar heads for the past two complete fiscal years and, as far as possible, for the current year. The Council may include or exclude at its discretion any fund, except the general fund. The budget shall be submitted to the Council at a regular Council meeting, in a manner prescribed by state statute, not less than 30 days prior to final approval. It shall be a public record open to public inspection by anyone and the City Manager shall cause sufficient copies thereof to be prepared for distribution to the Mayor, members of the Council and interested persons.

Section 7.05. PASSAGE OF THE BUDGET. The Council shall hold a public hearing on the budget and it shall make such changes therein as it deems necessary and adopt the budget by Resolution.

Section 7.06. ENFORCEMENT OF THE BUDGET. Except as set forth in Section 7.16, the City Manager or the City Council shall not approve any expenditure uncovered by the budget. The City Council may approve expenditures uncovered by the budget if there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding bills, orders and encumbrances. No employee of the City shall place any orders or make any purchases except for the purpose and to the amounts authorized in the budget. Except as in this Charter otherwise provided, any obligations 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 7.07. ALTERATIONS IN THE BUDGET. Except as set forth in Section 7.16, after the budget shall have been duly adopted, the Council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget are appropriated at the beginning of the fiscal year for the several purposes named therein. The Council may reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

## **TAXES**

Section 7.08. LEVY AND COLLECTION OF TAXES. On or before the last regular meeting in December each year the Council shall levy the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The City Manager shall transmit to the County Auditor annually a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as State and County taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 7.09. TAX SETTLEMENT WITH COUNTY TREASURER. The City Manager shall ascertain that all monies in the County Treasury belonging to the City are properly transferred to the City according to law.

## **DISBURSEMENTS**

Section 7.10. DISBURSEMENTS. Disbursement of city funds shall be made by a negotiable instrument bearing the actual or authorized facsimile signature of the authorized city officer. No such negotiable instrument shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, time-sheet, voucher or the like approved and signed by the responsible city officer who vouches for its correctness and reasonableness. No 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. The council may by ordinance make further regulations for the safekeeping and disbursements of the funds of the city.

## **FUNDS**

Section 7.11. FUNDS. Subdivision 1. There shall be maintained in the City treasury a general fund for the payment of such expenses as the Council may deem proper. Into this fund shall be paid all moneys levied for this fund and all moneys not required to be placed in some other fund.

Subdivision 2. There shall also be maintained in the City treasury such other funds, or divisions of funds, as the budget shall require or the City Manager and Council shall direct.

Subdivision 3. INVESTMENT OF CITY FUNDS. Any money in any fund belonging to the City, or any branch thereof, may be invested by the City Manager according to policies adopted by the City Council by the purchase of any bonds or other obligations authorized by State Statute in the case of municipalities, and in addition thereto, by the purchase of bonds or other obligations issued by any Housing or other Public Authority for the City of Hopkins created by or pursuant to Federal or State Statutes.

Section 7.12. ALL MONEY BELONGING TO THE CITY. All money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid to the City Manager by the person authorized to receive the same, without unnecessary delay. All such money, and also all money received upon tax settlements from the County Treasurer, shall be deposited as soon as received by the City Manager in a bank or banks approved by the City Council.

Section 7.13. ACCOUNTS AND REPORTS. The City Manager shall be the chief accounting officer of the City and shall submit to the Council a statement each month containing information relative to the finances of the City as the Council may require. Each year the City Manager shall submit a report to the Council, no later than June 30, covering the entire financial operations of the City for the past year. This report shall follow the style and form, as far as practicable, prescribed for annual City financial reports and copies will be made available to interested parties.

## **DEBT**

Section 7.14. BONDED DEBT AND DEBT LIMIT. Subdivision 1. In addition to all the powers in respect to borrowing and the issuance of bonds and certificates of indebtedness specifically or implied granted by this Charter, and any amendments thereto, the City shall have all the powers with reference to these matters authorized for cities of the same class by the laws of the State of Minnesota. The City shall also have the power to issue and sell its bonds to the State of Minnesota or the United States.

Subdivision 2. Without submitting the issue to a vote of the voters, the Council by a four-fifths vote may authorize the issuance of Permanent Improvement Revolving Fund Bonds (PIR Bonds); and Bonds to pay for any improvement the cost of which is to be assessed against benefited property; and Bonds for any purpose which will produce revenue to the City; and Bonds for any other purpose authorized to be issued by this Charter or the Laws of Minnesota without such vote. The Council shall maintain the integrity of the Principal received from the sale of PIR Bonds creating the Permanent Revolving Fund by appropriations from other funds, if necessary. All improvement projects financed through the Permanent Improvement Revolving Fund shall upon completion be certified by the City Manager as to total cost, which shall thereupon be apportioned by the Council, either as assessments against benefited property or as amounts due from other City funds. Amounts apportioned against other City funds shall be due not later than the dates of adoption of the corresponding assessment rolls and shall be paid into the Permanent Improvement Revolving Fund not later than the dates of installment provided in such assessment rolls. Upon approval by the voters, the Principal of the Permanent Improvement Revolving Fund may be transferred at interest by the City Council for any use or purpose for which General Obligation Bonds can be issued, provided the Principal of the PIR Fund thus transferred, together with interest, is repaid in annual installments of not more than thirty years. Monies in such Permanent Improvement Revolving Fund which have accumulated therein from any source, in excess of the Principal, may be transferred from such PIR Fund by the City Council for any City purposes by proper resolution of the Council stating such purposes.

Subdivision 3. The Council may by a majority vote of all of its members submit to the voters propositions for the issuance of bonds for any public purpose not prohibited by law, and no such bonds so voted on shall be issued except pursuant to a favorable vote of a majority of those voters who vote on the proposition of their issuance.

Subdivision 4. The bonded debt of the City shall not exceed the limitations imposed by state law.

Section 7.15. FORM AND REPAYMENT OF BONDS. All bonds of the City shall be issued pursuant to Minnesota Statutes, Chapter 475 and other applicable provisions of State Law.

## **EMERGENCY BONDS**

Section 7.16. EMERGENCY BONDS. If any year the receipts from taxes or other sources should for some unforeseen reason become insufficient for the budgeted expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Council may expend monies for such extraordinary purposes and authorize the sale of emergency bonds to run not to exceed ten years and to bear interest at not to exceed the rate allowed by State Statute from time to time. As part of all succeeding budgets and until such bonds are paid, at least ten percent of any such emergency bond issues shall be included in the levy each year, beginning with the next year after issue. The authorization of an issue of such emergency bonds shall take the form of an ordinance approved by four-fifths of the members of the Council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

## **CHAPTER 8**

### **CITY PLANNING**

Section 8.01. THE CITY PLAN. The City Council shall with the assistance of the City Manager, and if desired, of an advisory City Planning Commission, prepare and adopt a complete plan for the future physical development and growth of the City and such surrounding areas as the State law may permit. Such plan may be altered from time to time. It may include provisions for zoning, for the platting and development of new areas, for the planning and location of public buildings, parks, playgrounds, bridges, transportation lines and other public places, as well as for other matters which may seem essential to such a plan.

Section 8.02. ENFORCEMENT OF CITY PLAN. The Council shall have all the necessary power to enforce complete adherence by all persons to the plan adopted as the City Plan.

## **CHAPTER 9**

### **ACQUIRING PROPERTY**

Section 9.01 **POWER TO ACQUIRE PROPERTY.** The City of Hopkins is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property corporeal or incorporeal, either within or without its corporate boundaries, which may be desired by said City for any public use, convenience or purpose, or which may be necessary or desirable to enforce or administer any undertaking approved by the electorate at any election. In addition to the power to acquire property for other public purposes, the City may also acquire, as herein provided, any gas, water, sewage, heat power, light, telephone, or other plant, or other public utility; but no proceedings to acquire any such public utility shall be consummated until authorized by vote of the people, and provisions for paying for the property proposed to be acquired has been made. Easements for slopes, fills, sewers, drainage, building lines, poles, wires, pipes, and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

Section 9.02. **PROCEEDINGS IN ACQUIRING PROPERTY.** The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this State, except as otherwise provided in this Charter.

Section 9.03. **PAYMENT OF AWARD.** Whenever an award of damage shall be confirmed in any proceeding for the taking of property under this Charter, or whenever the Court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have expired, the City shall be bound to, and shall, within 60 days of such final determination, pay the amount of the award with interest thereon set at current rates or by state law from the date of the confirmation of the award or judgment of the Court, as the case may be; and if not so paid, judgment therefor may be had against the City.

Section 9.04. **CITY MAY ABANDON PROCEEDINGS.** The City may, by resolution of the Council at any stage of the condemnation proceedings, or at any time within 30 days after any commissioners appointed hereunder shall have filed their report with the Clerk of Court, or, in case of an appeal to the District or Supreme Court at any time within 30 days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs and expenses thereof, including a reasonable attorney's fee.

Section 9.05. CITY MAY ACQUIRE ENTIRE PLANT. In case the City shall condemn a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises, and right which enter into and go to make up such system may, unless otherwise ordered by the Court, be treated together as constituting one property, and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

## CHAPTER 10

### **FRANCHISES**

Section 10.01. FRANCHISES DEFINED. The word "franchise" as used in this chapter means any special privilege granted to any person, co-partnership, or corporation, in, over, upon or under any of the roads, highways, alleys or public places of the City, whether such privilege has been or shall hereafter be granted either by the City or the State.

Section 10.02. GRANTING OF FRANCHISES. Subdivision 1. The Council may grant franchises by ordinance, but in no case shall a franchise be granted by an emergency ordinance.

Subdivision 2. A proposed franchise ordinance shall be submitted to the City Manager, and he or she shall render to the Council a written report containing recommendations thereon.

Subdivision 3. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise, and shall be published in the same manner as any other ordinance adopted by the Council. The grantee named in the franchise shall bear the cost of publication of the franchise ordinance and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Subdivision 4. Nothing herein contained shall be construed as in any way preventing the voters from exercising their powers under the referendum to reject such franchise.

Subdivision 5. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than 20 years.

## CHAPTER 11

### **UTILITIES-OWNERSHIP, OPERATION AND DISPOSAL OF UTILITIES**

Section 11.01. ACQUISITION AND OPERATION OF UTILITIES. The City shall have power to acquire public utilities as provided in Chapter 9 of this Charter. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Section 11.02. RATES AND FINANCES. Upon recommendation made by the City Manager or upon its own motion, the Council shall have the power to fix all rates and charges for water, light, heat, sewage disposal, gas and all other utilities, but such rates and charges shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which service shall be measured and the rates computed, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

Section 11.03. PURCHASE IN BULK. The Council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. LEASE OF PLANT. The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance and subject to popular referendum. In no case shall such contract be for a longer term than ten years.

Section 11.05. PUBLIC UTILITY. HOW SOLD. No public utility owned by the City whether acquired prior to the adoption of this Charter or thereafter, shall be sold or otherwise disposed of by the City unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in any ordinance passed by three members of the Council in the usual way, and submitted to the voters at a general or special election and approved by the necessary number of votes of the voters voting thereon required by the laws of the State of Minnesota for the sale of waterworks or lighting plants.

## **CHAPTER 12**

### **MISCELLANEOUS AND TRANSITORY PROVISIONS**

#### **PUBLICATIONS**

Section 12.01. OFFICIAL PUBLICATIONS. The Council shall annually designate one official newspaper as defined by Minnesota State Statutes in which shall be published such matters as are required to be published by the laws of the State or the provisions of this Charter.

#### **OATHS**

Section 12.02. OATH OF OFFICE. Every elected official of the City shall, before entering upon the duties of his or her office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as (Mayor, Council Member, etc.) of the City of Hopkins to the best of my judgment and ability."

#### **FAVORS**

Section 12.03. CITY ELECTED OFFICIALS AND EMPLOYEES NOT TO ACCEPT FAVORS OR CONTRACTS. Subdivision 1. No official or employee of the City shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from, or by reason of any improvement, alteration, or repair required by authority of the City, or any contract to which the City shall be a party, except her or his lawful compensation or salary as such official or employee unless such official or employee, or the firm or corporation in which such official or employee is interested, shall be the lowest bidder, or among the lowest, in which case the Council may accept the same, but such contract or bid shall be in writing, and shall state explicitly the relation or interest of such official or employee in such firm or corporation and shall be included in full in the official proceedings of the Council.

Subdivision 2. No official or employee of the City, except as otherwise provided in this Charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally.

Subdivision 3. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the City, and she or he may be removed therefrom. Any contract with the City in which any official or employee of the City is, or becomes, directly or indirectly interested personally, or as a member of a firm, or as an officer or director of a corporation, except as hereinabove provided, shall be void; and any money which shall have been paid on such contract by the City may be recovered from and or all the persons interested therein by joint or several action.

## **BONDS OF OFFICIALS**

Section 12.04. BONDS. The City Manager and such other employees of the City as the Council may designate, shall each before entering upon the duties of their respective offices, give to the City a corporate surety bond in the amount determined by the Council as security for the faithful performance of their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the City Council and shall be endorsed by at least three members of the Council as having been so approved. They shall be filed with the City Manager. The provisions of the laws of the State relating to official bonds, not inconsistent with this charter shall be complied with. The premiums on the corporate surety bond herein provided for shall be paid by the City.

## **REAL PROPERTY SALES**

Section 12.05. SALES OF REAL PROPERTY. No real property of the City shall be disposed of except by resolution duly adopted by a four-fifths vote of the City Council. The consideration paid to the City for the sale of any such real property shall be not less than the fair and reasonable market value of such property as the same may have been determined by the latest tax assessment rolls of the City subject however for reasonable adjustment in those cases where the City may retain easements or other rights in such property. The proceeds of any such sale shall be used for any public purpose which the Council may by resolution designate.

## **VACATING STREETS**

Section 12.06. VACATING OF STREETS AND ALLEYS. No street, avenue, alley or other thoroughfare within the City shall be vacated except by ordinance approved by a four-fifths vote of the Council. Such ordinance, if enacted, shall be adopted after a public hearing upon one weeks' published notice containing the text of the proposed vacating ordinance or containing in summary the exact location or other description of the thoroughfare, street, avenue or alley proposed to be vacated. A record of such vacation shall be made in the office of the Register of Deeds or of the Registrar of Titles of the County. This section is intended to be an addition or supplement to any other method of such vacating as may be provided in the general State Statutes.

## **STATUTES NOT AFFECTED**

Section 12.07. STATUTES NOT AFFECTED BY CHARTER. Subdivision 1. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Hopkins shall apply to the City of Hopkins and shall be construed as supplementary to the provisions of this Charter.

Subdivision 2. The city shall have all powers and authority granted by the laws of this State to municipalities to acquire property or exercise authority of powers beyond the corporate limits. All powers by this section conferred shall be exercised conformably to this Charter, and such authority and power shall not authorize the City to incur any bonded debt beyond the limitations, or in any other manner authorized by law.

## **ORDINANCES**

SECTION 12.08. CERTAIN ORDINANCES AND POWERS. Subdivision 1. For purpose of promoting the health, safety, morals or general welfare of the City, the Council may by ordinance regulate, structures and land for trade, industry, business, residence or other purposes. It may declare the existence of and provide for the rehabilitation of blighted areas. It may provide for the acquisition and management of privately owned lands, buildings and other real and personal property interests by the City for any purposes in the public interest or welfare, and for the sale or any other disposal thereof, provide methods of procedure for any such purposes, and make any other provisions as may appear desirable for the purpose herein expressed.

Subd. 2. Fines and Penalties. The Council may establish by ordinance that a violation of a city ordinance is either a misdemeanor or a petty misdemeanor, punishable in accordance with state law. In addition, the Council may establish by ordinance a procedure for imposing a civil penalty not to exceed \$2,000 for each violation of a city ordinance. This procedure must provide an opportunity for the accused to be heard by a neutral party, which may be the City Council.

Subd. 3. Assessment of Fees and Civil Penalties. The Council may provide by ordinance that fees and civil penalties imposed by the city, including late payment penalties, may be assessed against property which was the subject matter, or related to the subject matter, of the fees and penalties, or property which was the location of an activity, proposed use, delivery of city service, or other circumstances which resulted in the fees and penalties. The ordinance shall provide that the city must first attempt to obtain voluntary payment of the fees and penalties. The ordinance shall further require the city to give notice and an opportunity to be heard to the property owner listed on the official tax records before the assessments are imposed. The assessments shall be collected like special assessments.

Subd. 4. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

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## APPENDIX B

### HISTORY OF THE HOPKINS CITY CHARTER

The first Hopkins Charter Commission was appointed by the Judges of the District Court of Hennepin County on February 8, 1946, for the purpose of preparing a Charter to be voted on by the electors of the City. This Charter was submitted by the Commission to the then Village Council on November 4, 1947, and was adopted on December 2, 1947. This Commission consisted of Joseph C. Vesely, Sanfred C. Gustafson, Carl Towley, Joseph T. Anderla, Dr. F. M. Madden, Clinton K. Blomquist, J. L. Markham, A. L. Feudner, Margaret McHale, M. B. Hagen, Frank F. Sefcik, Dwight W. Holcombe, W. S. Smetana, A. G. Larson, and Harry E. Westling. The Commission elected Joseph C. Vesely, Chairman; Sanfred C. Gustafson, Vice Chairman; and Carl Towley, Secretary. The Commission employed Frank N. Whitney as draftsman for the purpose of putting into proper legal language the decisions of the Commission.

The rather lengthy period of time consumed by the Commission in preparing the Charter was caused primarily by a nearly equal division within the Commission on the question as to whether interests of the City would be best served by dividing the City into wards or by having the members of the Council elected at large. Some of the Commission members were of the opinion that wards were necessary to secure representation for all parts of the City and other members were of the opinion that the area of the City was so small that any person living within the City could be advised and have knowledge of the problems in all parts of the City. After considerable discussion and after several votes were taken on this question with different results, the matter of electing the Mayor and members of the Council by proportional representation entered the picture and was finally agreed upon as being satisfactory to both sides.

The Charter of the City of Hopkins was approved at an election held on December 2, 1947.

On September 26, 1950, the following members of the Commission were reappointed: Joseph C. Vesely, Carl T. Towley, Joseph T. Anderla, Clinton K. Blomquist, A. L. Feudner, A. G. Larson, J. L. Markham, Margaret McHale, Frank F. Sefcik and Harry E. Westling. The following new members were added to the Commission: Lawrence Brings, Helen Donovan, Edward Kokesh, Gerald Martinson, and Irma Regan. Thereafter Harry E. Westling moved out of the City and on June 13, 1957, J. Russell Carroll was appointed to take his place.

Neither the first nor the second commissions submitted to the electors any changes in the charter.

On March 3, 1958, a new Commission was appointed consisting of Eugene A. O'Brien, Sever Paulson, Glenn M. Lewis, Erwin L. Smetana, Frank N. Whitney, Marjorie Schmitz, Otto G. Cermak, Helen Donovan, Maurice A. Hessian, Henry W. Wade, Charles Heuser, Otto Japs, Myra Stillman, Frank J. Kucera and Robert M. Geltman. The Commission elected Frank N. Whitney Chairman and Marjorie Schmitz Secretary. Thereafter Sever P. Paulson, Otto G. Cermak and Helen Donovan moved out of the City and on January 18, 1960, Sanfred C. Gustafson, John C. Zajicek and Mildred Lewis were appointed to take their places.

At an election held May 19, 1959, the Commission submitted four proposed amendments. Number 1, which did away with elections by proportional representation and staggered the terms

of the Councilmen, carried 1016 to 455. Number 2, which increased the salary of the Mayor from \$300.00 to \$600.00 per year and the salary of each Councilman from \$100.00 to \$400.00 per year, lost 677 to 770. Number 3, which placed the power of appointment of the City Attorney in the hands of the Council, carried 1057 to 386. Number 4, which shortened from 60 to 30 days the time after an injury in which a person must give notice to the Council, carried 1063 to 382.

At an election held June 21, 1960, the Commission again submitted four proposed amendments. Number 1, which increased the salaries of the Mayor and Councilmen in the same amounts, was again defeated 391 to 436. Number 2, which increased from \$500.00 to \$1,000.00 the authority of the City Manager to make purchases without advertising for bids, lost 385 to 434. Number 3, which protected the integrity of the Permanent Improvement Revolving Fund, carried 455 to 343. Number 4, which did away with the requirement that the first Council meeting after a municipal election be held on a Monday, carried 556 to 235.

After January 1, 1961, the Hopkins Charter Commission became quite dormant. No new proposals or amendments to the Charter were offered to the City for any kind of action until after the 1967 Extra Session of the Minnesota Legislature which enacted Chapter 33, now codified as M.S.A. 410.31. This law became effective July 1, 1967.

It provides that as an alternative to other methods of amending City Charters provided in other Laws of the State of Minnesota, any such charter can, upon recommendation of the Charter Commission, be amended by the City Council by ordinance. Such an ordinance, if enacted, is to be adopted by the Council by an affirmative vote of all of its members after a public hearing upon two weeks published notice containing the text of the proposed amendment, and shall be approved by the Mayor, and published as in the case of other ordinances. Such an ordinance shall not become effective until ninety days after passage and publication. Within sixty days after passage and publication of such an ordinance, a Petition requesting a referendum on the ordinance may be filed with the City Clerk. The Petition is to be signed by qualified voters equal in number to two percent of the total number of votes cast in the City at the last State General Election, or 2,000, whichever is less. If the City has a system of permanent registration of voters, only registered voters are eligible to sign the Petition. If the requisite Petition is filed within the prescribed period, the Ordinance shall not become effective until it is approved by the voters as in the case of Charter amendments submitted by the Charter Commission, the Council, or by Petition of the voters, except that the Council may submit the ordinance at any general or special election held at least sixty days after the submission of the Petition, or it may reconsider action in adopting the ordinance.

All of the terms of the previous Hopkins Charter Commission had expired without any further or new appointments by the District Court, and after the passage of the above Statute, a Petition was presented to the Hennepin County District Court by Joseph C. Vesely, City Attorney, on behalf of the City asking for the appointment of an entire new Charter Commission.

By order dated September 9, 1968, the Court appointed the following persons as members of the new Charter Commission on a four year term: K. Maxfield Otto, John A. Larsen, Richard L. Brubacher, Robert N. Stone, Joseph Pierro, Mrs. Mabel Higgs, and Mrs. Ardelle Wenzel, and the

following to serve for a two year period commencing from the date of the Order: Robert M. Geltman, Dr. F. J. Kucera, Donald J. Milbert, W. Harlan Perbix, Mrs. Mary Maetzold, Mrs. Adelyn Gordon, Fred C. Stalley, Rev. Lasse J. Stohl.

This new Commission met shortly after its appointment and organized by electing John A. Larsen as the President, W. Harlan Perbix as the Vice President, and Mrs. Mary Maetzold as the Secretary of the Commission.

Thereafter this Commission, with the aid of the Hopkins City Attorney, Joseph C. Vesely, by proper Resolution recommended eleven amendments to the Charter. Appropriate ordinances embodying these recommended amendments were drafted and public hearings thereon were held at various times by the City Council, all pursuant to the Statute. All eleven ordinances were subsequently adopted and published, and after a lapse of ninety days from their respective dates of publication, became part of the Charter. These amending ordinances are numbered 1C through 10C and briefly, amended the Charter as follows; Ordinance 1C amended Section 6.05 of the Charter by providing that the City Manager has authority to enter into purchasing and other contracts in behalf of the City subject to the approval of the Council, which approval must be secured in advance whenever the amount of such purchase or contract exceeds \$2,000.00. Ordinance 2C amends Section 6.06 of the Charter by raising the amount necessary for advertisement by bids to \$2,000, and otherwise bring City contracts into conformity with presently existing Statutes. Ordinance No. 3C amends Section 2.07 of the Charter by providing that salaries and expenses of the Mayor and the members of the City Council shall be established by ordinance, rather than as heretofore by the provision in the Charter. Ordinance No. 4C amends Section 12.05 of the Charter by clarifying requirements in the sales of real property by the City, and providing that such sales may be by resolution rather than by ordinance. Ordinance No. 5C repeals Section 2.10 of the Hopkins Charter, which provision originally set up a Municipal Court. Ordinances No. 7C and No. 10C are a revision of Section 7.14 of the Charter which provided and set up Bonded Debt and Debt Limits and Purposes. It clarifies the PIR and other City funds. Ordinance No. 8C amends Section 12.06 of the Charter as it pertains to the Vacation of Streets and Alleys. Ordinance No. 8C-a repeals all of Section 8.03 and 8.04, including all of the subdivisions thereunder of the Hopkins City Charter.

These sections had provided a method of procedure for public improvements, but with the later enactment of Chapter 429 of the Statutes, the Charter method was never used. Ordinance No. 9C amends Subdivision 1 of Section 3.04 of the Charter by clarifying the meaning of the work "Publication". Ordinance No. 10C amends Section 7:11 of the Charter by clarifying Subdivision 3, entitled Investments of City Funds.

Dated February 24, 1970

JOSEPH C. VESELY  
City Attorney

The Hopkins Charter Commission was again activated in March of 1976, with the appointment of the following individuals: Four Year Term - June Throdahl, Frank E. Adams, Charles Caruson, Francine Horowitz, John A. Malecha, and Margaret Reilly. Two Year Term - Warner P. Blake, Richard L. Brubacher, Paul W. Lohman, Erling E. Rice, and Dr. F. J. Kucera.

This Commission served its full term, but did not recommend Charter amendment to the electorate or the City Council.

By order dated October 26, 1981, the Court appointed the following persons as members of a new Charter Commission, in response to a petition from Joseph C. Vesely, City Attorney: Four Year Term - Roger Hork, Vance K. Opperman, John Malecha, John Fink, Paul Slaton, and Robert McDonald. Two Year Term - Cathy Anderson, Jim Hance, Betty Harriman, Alfred G. Larson, and Kitty Alcott.

This new Commission met on February 25, 1982, and elected Jim Hance as Chair, Vance Opperman as Vice-Chair, and Alfred Larson as Secretary. Thereafter this Commission, with the aid of the Hopkins City Attorney, Joseph C. Vesely, met several times and by proper resolution on April 20, 1983 recommended twenty amendments to the Charter. An ordinance embodying these proposed amendments was ordered to be drafted by the City Council on June 3, 1983. This ordinance, after appropriate hearings, was adopted by the City Council pursuant to M.S.A. Chapter 410.12, Subdivision 7, with first reading on July 19, 1983. It was published on July 27, 1983, and became effective ninety days after that date. Briefly, these amendments were as follows: A) Language applying to Villages was removed from 1.02. B) Clarifying language regarding Council salaries was added to 2.07. C) A choice of enactment clauses was provided in 3.04. The maximum period of time between passage and publication was extended from 15 to 30 days. D) The words "or other" were inserted between the words "municipal" and "election" in 4.02. E) The minimum number of days prior to election a person may file for office was changed from 30 to 28 days in 4.03. F) The grammar in Section 4.04 was corrected. G) The initiative was limited to measures of general city-wide concern, in 5.04. H) In 6.02, the City Manager was assigned as "Supervisor of the Police Department" rather than "Chief of Police". I) The specific term of the City Assessor was dropped from 6.04, since it conflicted with 6.02, Subdivision 3. J) Outdated citations were dropped from 6.06. K) The date of the Board of Equalization was changed to reflect current law, in 7.03. L) The date of budget submission in 7.04 was changed to reflect current law and practice. M) The date of budget passage in 7.05 was changed to reflect current law and practice. N) The date of the annual tax levy in 7.08 was changed to reflect current law and practice. O) In Section 7.09, the word "transferred" was substituted for the words "turned over", in order to be more exact. P) Reference to "valuation of monies and credit" was deleted from Section 7.14, since said valuation is no longer in the law. Q) The rate for emergency bonds was changed from six percent to the rate allowed by state statute, in 7.16. R) The requirement that the official newspaper be published in Hopkins was deleted, and replaced by language citing state law, in 12.01. S) Former sections 12.07, 12.08, 12.09, 12.10, 12.12 and 12.13 were obsolete and therefore deleted. T) Standard language pertaining to statutes not affected by the charter was adopted at 12.11, replacing former obsolescent language.

All of the above having become effective in the absence of challenge at the end of last month, the Charter text enclosed is therefore current and accurate as of this date.

Dated November 1, 1983

JOSEPH C. VESELY  
City attorney

The Hopkins Charter Commission was activated again in April of 1992. The Commission consisted of the following members: Warren Woodrich, Ethel Wonson, William Arimond, Dorothy Boen, Archie Black, Paul Ahles, Paul Lund, Dick Brubacher, Randy Engel, and Don Roesner.

The Commission met on April 23, 1992 and elected Warren Woodrich as Chair, and Paul Ahles as Vice-Chair. City Clerk Jim Genellie acted as Secretary. The Commission, along with City Attorney Jerre Miller, discussed a number of amendments to the Charter. The Commission directed the City Clerk to draft an ordinance for the City Council's approval.

The Commission met again on July 30, 1992. The first action of the Commission was to adopt by-laws. The Commission then voted unanimously to approve a resolution recommending that the Hopkins City Council amend the City Charter by adopting Ordinance #92-714. This ordinance, after appropriate hearings, was adopted by the Hopkins City Council at the September 15, 1992 Council meeting. It was published on September 23, 1992, and became effective ninety days after that date.

The amendments were as follows: 1) Removal of all gender based language in the Charter. For example, replacement of Councilmen by Councilmembers. 2) Replacement of the term "officer" with "elected official" throughout the Charter. In addition the term "elector" is replaced by the term "voter" throughout the Charter. 3) A new section, Section 1.04 was added. This section deals with severability. Should any section of the Charter be found to be contrary to federal or state law, the rest of the Charter would be unaffected. 4) Removing language in Section 2.03, Subd. 2 that refers to the 1961 election. 5) Clarifying Section 2.03, Subd. 2 in regard to the City Council's role in certifying elections. 6) Amending Section 2.05 to bring it into conformance with state law. 7) In Section 2.06, the senior Councilmember is defined as the Councilmember who has served the longest on the City Council. 8) Amending Section 2.06 to clarify how the president pro tempore is selected and who serves as acting Mayor when the Mayor and president pro tempore are absent. 9) Amending Section 2.08 in regard to the investigation of city affairs. 10) Amending Section 3.01 to change the manner in which special Council meetings are called. The new language refers to state law. 11) Removing Section 3.02 which refers to the City Clerk as the Secretary of the Council. 12) Amending Section 3.04, Subd. 1 by replacing reference to the "Secretary of the Council" to "City Clerk". 13) Amending Section 3.04, Subd. 4 to remove the requirement that resolutions be read in full before the City Council. 14) Amending Section 4.03, Subd. 1 to change references to "City Manager" to "City Clerk". 15) Amending Section 4.04, Subd. 1 to change references to the City Manager to City Clerk and remove the language regarding how candidates for office are to appear on a ballot. State law determines this. 16) Amending Section 4.04, Subd. 2 by removing the use of an ordinance to call a primary election. 17) Amending Section 6.02, Subd. 2 by removing language referring to the City Manager as

Superintendent of Police. 18) Amending Section 6.02, Subd. 3 by removing any reference to specific employees and adding language regarding hiring according to state and federal laws. 19) Deleting Section 6.02, Subd. 4. Health duties such as these are handled by Hennepin County. 20) Amending Section 6.03 to clarify the City Manager's authority to reorganize City administration and departments. 21) Amending Section 6.04 by simplifying language regarding the duties of the City Clerk. 22) A new Section 6.05 was added authorizing the City Council to appoint a City Attorney. This authority was moved from Section 6.04. 23) Renumbering and amending Section 6.05 to allow the City Manager to approve and sign contracts and agreements of up to \$5,000.00 in value. 24) Renumbering and amending Section 6.06 changing the contract amount which requires sealed bids. 25) Amending Sections 7.04, 7.05, and 7.08 in regard to budgets. Language referring to specific dates was removed due to the impact of the State's Truth in Taxation law. 26) Clarifying Section 7.11, Subd. 3 by allowing the Council to approve investments through the adoption of a general policy on investments. 27) Amending Section 7.13 by changing the last date for submittal of the financial report to June 30. The new language also removes the requirement for publishing the Financial Report in the official newspaper. 28) Amending Section 9.03 by removing language referring to a specific interest rate. 29) Amending Section 12.04 by removing language referring to the first City Manager.

Dated December 24, 1992

James A. Genellie  
City Clerk

The existing Commission met again on September 28, 1993. It discussed several proposed revisions to the City Charter. The Commission met on October 26, 1993 and voted unanimously to approve a resolution recommending that the Hopkins City Council amend the City Charter by adopting Ordinance #93-732. This ordinance, after appropriate hearings, was adopted by the Hopkins City Council at the December 21, 1993 Council meeting. It was published on December 29, 1993 and became effective ninety days after that date.

The amendments were as follows: 1) Section 3.01 was amended by deleting the language "All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times." and substituting the language "Meetings of the City Council shall be open pursuant to the Minnesota Open Meeting law. Minutes and records of open meetings shall be available to any individual during regular business hours." Section 4.01 was amended by deleting language that referred to the first election after the adoption of the Charter.

Dated March 31, 1994

James A. Genellie  
City Clerk

The Charter Commission met again on October 24, 1994. The Commission consisted of the following members: Chair: Randy Engel, Vice-Chair Paul Lund, Paul Ahles, William Arimond, Dorothy Boen, Richard Brubacher, Jannette Holen, Sally Morem, Henry Pokorny, Harry Smith, and Warren Woodrich. The Commission discussed several revisions to the Charter. The major change was a requirement set forth by the Minnesota legislature that all local elections must take place in November. The Commission met again on November 15, 1994. It voted unanimously to approve Resolution 94-1 recommending, to the City Council, adoption of Ordinance 94-748. The Commission met yet again on November 29, 1994 and voted unanimously to approve Resolution 94-2 recommending, to the City Council, adoption of Ordinance 94-749.

Ordinance 94-748 amended Section 2.03, Subdivision 2 to make City Council terms begin on January 1 instead of July 1. Section 2.06, Subdivision 1, was amended to replace references to the first meeting in July with the first meeting in January.

Section 4.01, Subdivision 1 was amended to change the date of city elections from the third Tuesday in May to the first Tuesday after the first Monday in November in odd numbered years beginning in 1995.

Ordinance 94-749 revised Section 2.07 to clarify the language regarding salaries and expenses.

Dated April 27, 1995.

James A. Genellie  
City Clerk

The Charter Commission met again on April 29, 1997. The Commission consisted of the following members: Chair: Harry Smith, Vice-Chair: Jannette Holen, Dorothy Boen, Richard Brubacher, Marjorie Hance, Charles Kritzler, Paul Lund, Sally Morem, Henry Pokorny, Jim Shirley, and Warren Woodrich.

The Commission discussed several revisions to the Charter. The amendments concerned replacing the term Councilmember with Council Member as well as changing the language concerning elections to bring the Charter into conformance with State law.

Ordinance 97-801 made the Council Member language change throughout the Charter and deleted Sections 4.02 and 4.04, and amended Section 4.03 to bring the Charter into conformance with State laws on elections. The Hopkins City Council adopted Ordinance 97-801 on July 1, 1997 and the Ordinance took effect on October 12, 1997.

Dated: November 1, 1997.

James A. Genellie  
Assistant City Manager

The Charter Commission met on April 28, 1998. The Commission consisted of the following members: Chair: Harry Smith, Vice-Chair: Marjorie Hance, Robert Anderson, Jannette Holen, Richard Brubacher, Charles Kritzler, Paul Lund, Sally Morem, Henry Pokorny, James Shirley, and Warren Woodrich.

The Commission discussed a number of budget related amendments including increasing the purchasing authority of the City Manager from \$5,000 to \$25,000, increasing the contract amount that would require formal bids from \$15,000 to \$25,000, removing the requirement that the City Council pre-approve all checks, and authorizing the Council to adopt regulations for the safekeeping and disbursement of city funds.

The Commission met again on May 26, 1998. At that meeting the Commission adopted Commission Resolution 98-1 which recommended that the Hopkins City Council adopt Ordinance 98-812 which would increase the purchasing authority of the City Manager from \$5,000 to \$10,000, increase the contract amount that would require formal bids from \$15,000 to \$25,000, remove the requirement that the City Council pre-approve all checks, and authorize the Council to adopt regulations for the safekeeping and disbursement of city funds.

The Hopkins City Council adopted Ordinance 98-812 on August 18, 1998 and the Ordinance took effect on November 25, 1998.

Dated: December 1, 1998.

James A. Genellie  
Assistant City Manager

The Charter Commission met on April 27, 1999. The Commission consisted of the following members: Chair: Harry Smith, Vice-Chair: Charles Kritzler, Robert Anderson, Jannette Holen, Richard Brubacher, Marjorie Hance, Paul Lund, Sally Morem, Henry Pokorny, James Shirley, and Warren Woodrich.

The Commission discussed several amendments that would change the Charter language regarding debt in order to bring it into conformance with state law.

The Commission met again on June 8, 1999. At that meeting the Commission adopted Commission Resolution 99-1, which recommended that the Hopkins City Council adopt Ordinance 99-825 that amended sections 7.14 and 7.15 to make the Charter language on debt conform with state law.

The Hopkins City Council adopted Ordinance 99-825 on August 3, 1999 and the Ordinance took effect on November 10, 1999.

Dated: December 1, 1999.

James A. Genellie  
Assistant City Manager

The Charter Commission met on April 25, 2000. The Commission consisted of the following members: Chair: James Shirley, Vice-Chair: Robert Anderson, Jannette Holen, Richard Brubacher, Marjorie Hance, Charles Kritzler, Paul Lund, Sally Morem, Henry Pokorny, Harry Smith, and Warren Woodrich.

The Commission discussed whether to grant the City Council the ability to pass ordinances that would establish an administrative citation process as an alternative enforcement mechanism for nuisance complaints. The consensus of the Commission after discussion was that the Charter should be amended to allow for administrative penalties.

The second item before the Commission was whether the Charter should be amended to limit the period of time for which someone could be appointed to fill a vacancy on the City Council.

The consensus of the Commission was that the Charter should be amended to require a special election if there is more than two years remaining in a term when a vacancy occurs. The special election should take place at the next regularly scheduled City Council election.

The Commission met again on May 16, 2000. At that meeting the Commission adopted Commission Resolution 2000-1, which recommended that the Hopkins City Council adopt Ordinance 2000-840 that amended section 12 to allow the City Council to adopt administrative penalties by ordinance.

The Commission also approved Resolution 2000-2, which recommended that the Hopkins City Council adopt Ordinance 2000-843 that amended section 2.05 clarifying when a special election is required to fill a vacancy on the City Council.

The Hopkins City Council adopted Ordinances 2000-840 and 2000-843 on July 18, 2000 and the Ordinances took effect on October 25, 2000.

Dated: December 1, 2000.

James A. Genellie  
Assistant City Manager

The Charter Commission met on February 5, 2002. The Commission consisted of the following members: Chair: Charles Kritzler, Vice-Chair: Dorothy Boen, Sid Blair, John Frane, Roger Gross, Marjorie Hance, John Hutchison, Roger Johnson, Henry Pokorny, James Shirley and Harry Smith.

The Commission considered whether the Charter should be changed to establish a Police Review Committee that would replace the Police Civil Service Commission. Only the Charter could give a new committee the authority necessary to oversee personnel decisions.

The consensus of the Commission was that the Charter should be amended to establish a Police Review Committee.

The Commission then considered whether to amend the Charter to remove the 20-day waiting period between the time that an ordinance is published and when it becomes effective. The Commission decided to proceed with this change.

The Commission met again on February 12, 2002. At that meeting the Commission adopted Commission Resolution 2002-1, which recommended that the Hopkins City Council adopt Ordinance 2002-867 that added Subdivision 6a establishing a Police Review Committee.

The Commission also approved Resolution 2002-2, which recommended that the Hopkins City Council adopt Ordinance 2002-869 that amended section 3.03 eliminating the 20-day waiting period for ordinances to become effective.

The Hopkins City Council adopted Ordinances 2002-867 and 2002-869 on April 9, 2002 and the Ordinances took effect on July 17, 2002.

Dated: August 1, 2002.

James A. Genellie  
Assistant City Manager

The Charter Commission met on April 27, 2004. The Commission consisted of the following members: Chair: John Frane, Vice-Chair: Fran Hesch, Dorothy Boen, David Day, Roger Gross, Marjorie Hance, John Hutchison, Roger Johnson, Charles Kritzer and James Shirley.

On January 6, 2004 the City Council voted to turn over the duties of the Board of Review (Equalization) to Hennepin County for a period of three years. Section 7.03 of the Charter assigned this role to the City Council.

"Section 7.03. BOARD OF EQUALIZATION. The Council shall constitute the Board of Equalization and shall meet as such in the usual place for holding Council Meetings not later than June 1 of each year to equalize the assessments according to law, or at such other adjourned meetings as it may designate."

Although City Attorney Wynn Curtiss stated that the Council had the authority under state law to transfer the Board of Equalization duties, Mr. Genellie recommended that the following language be added to the beginning of Section 7.03: Unless the City Council provides otherwise as permitted by law.

Commissioner Boen moved and Commissioner Hance seconded the motion to amend the Charter to add the recommended language to Section 7.03. The motion was approved unanimously.

The Commission met again on June 22, 2004. At that meeting the Commission adopted Commission Resolution 2004-01 that recommended that the Hopkins City Council adopt Ordinance 2004-925, which amended Section 7.03.

The Hopkins City Council adopted Ordinance 2004-925 on August 17, 2004 and the Ordinance took effect on November 24, 2004.

Dated: December 1, 2004.

James A. Genellie  
Assistant City Manager

The Charter Commission met at least once per year in 2005, 2006, 2007, and 2008.

The Commission met again on April 28, 2009. The Commission consisted of the following members: Chair: Emily Wallace-Jackson, Vice-Chair: Karen Jensen, Jannina Aristy, Fran Hesch, Dorothy Boen, David Day, Liz Dorn, Roger Gross, Roger Johnson, Steve Lewis and Jerre Miller.

Mr. Genellie reported that the Minnesota Legislature amended the law regarding the number of members a Charter Commission may have, setting the number between 7 and 15. Historically, the City of Hopkins' Charter Commission has had eleven members. The Commission's By-laws state that there shall be eleven members. Mr. Genellie recommended that the Charter be amended to fix the size of the charter commission at eleven members.

Commissioner Hesch moved and Commissioner Gross seconded a motion to amend the City Charter to set the number of Commissioners at 11. The motion passed unanimously.

The Commission met again on June 30, 2009. At that meeting the Commission adopted Commission Resolution 2009-01 that recommended that the Hopkins City Council adopt Ordinance 2009-1006 which established the size of the Commission at eleven members.

The Hopkins City Council adopted Ordinance 2009-1006 on September 1, 2009 and the Ordinance took effect on December 10, 2009.

Dated: December 29, 2009.

James A. Genellie  
Assistant City Manager